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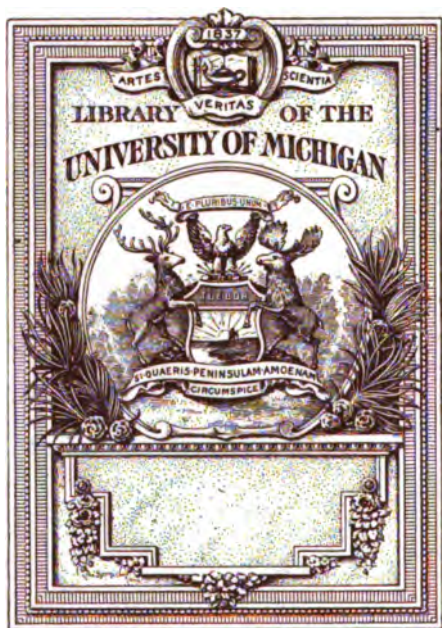
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JOURNAL

OF THE

INDIANA STATE SENATE,

DURING THE

FIFTY-FIRST SESSION

OF THE

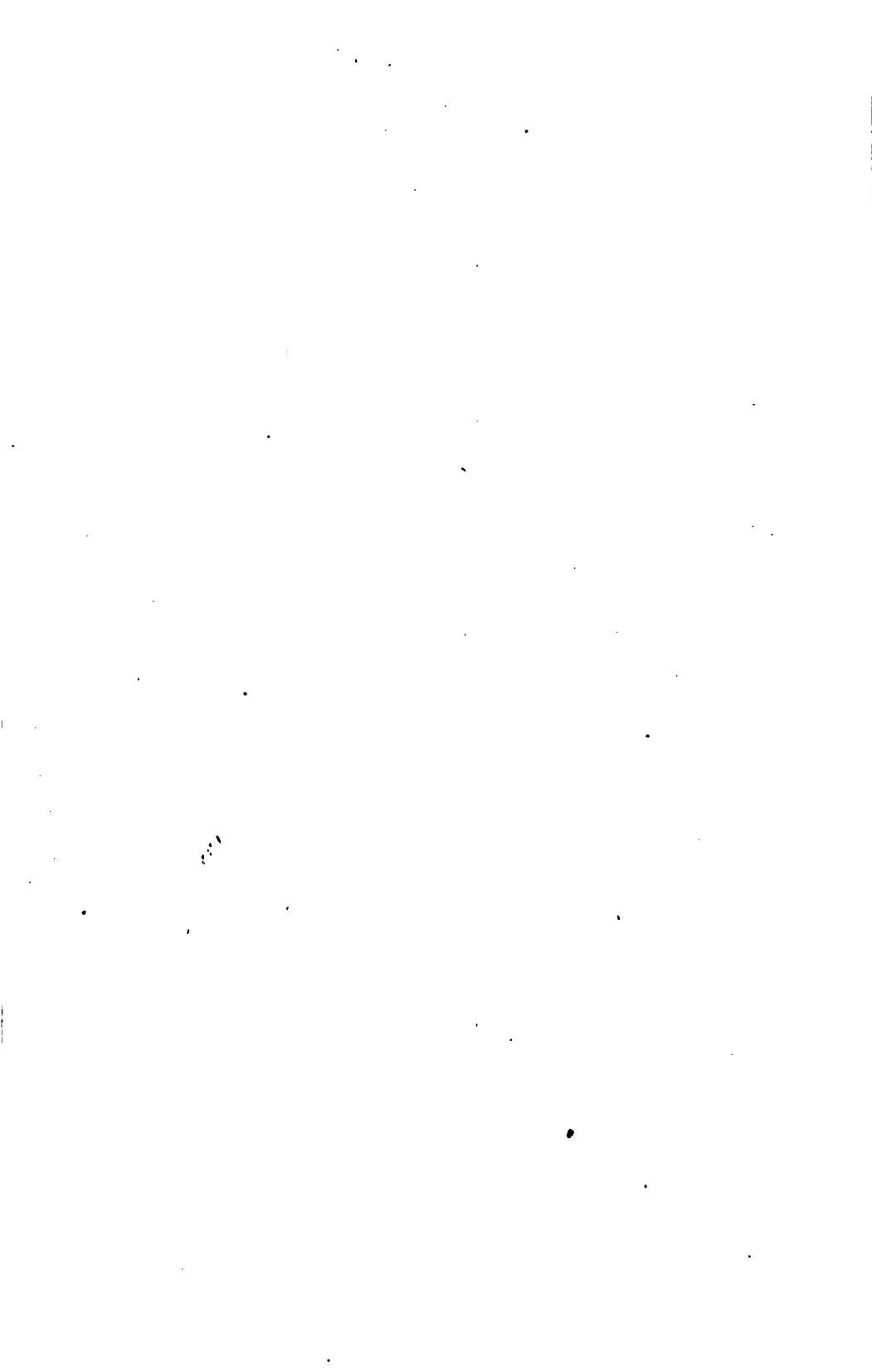
GENERAL ASSEMBLY,

COMMENCING THURSDAY, JANUARY 9, 1879.

REGULAR SESSION.

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1879.



JOURNAL

OF THE

SENATE OF INDIANA.

THURSDAY MORNING.

JANUARY 9, 1879.

The Fifty-first Regular Session of the General Assembly of the State of Indiana, begun and held at the Marion County Court House, in the city of Indianapolis, on Thursday, January 9, 1879.

The Hon. Isaac P. Gray, Lieutenant-Governor, took the chair at 10 o'clock and ordered the roll of Senators holding over to be called by the Hon. E. Henderson, Auditor of the State of Indiana, when the following Senators responded:

From the counties of Washington and Jackson—B. H. Burrell.

From the county of Randolph—N. Cadwallader.

From the counties of Fountain and Warren—F. M. Dice.

From the county of Vigo—Isaiah Donham.

From the counties of Owen and Clay—Inman H. Fowler.

From the county of Marion—Addison C. Harris and Abel D. Streight.

From the county of Vanderburgh—William Hielman.

From the counties of Clinton and Boone—James V. Kent.

From the counties of Steuben and DeKalb—William M. Mercer.

From the counties of Decatur and Rush—William A. Moore.

From the counties of Kosciusko and Whitley—Walter Olds.

From the county of Montgomery—Silas Peterson.

From the counties of Putnam and Hendricks—W. H. Ragan.

From the counties of Marshal, Fulton and Pulaski—Charles H. Reeve.

From the counties of Scott, Jennings and Decatur—William F. Reiley.

From the counties of Adams, Allen and Wells—John D. Sarnighausen.

From the counties of Henry and Hancock—Benjamin Shirk.

From the counties of Shelby and Johnson—C. B. Tarleton.

From the counties of Hamilton and Tipton—S. M. Taylor.

From the counties of Lawrence and Monroe—W. B. F. Treat.

From the counties of Fayette, Union and Rush—M. Trusler.

From the counties of Noble and Lagrange—E. W. Weir.

From the county of Laporte—J. H. Winterbotham.

The President then ordered a call of the Senatorial Districts entitled to representation and wherein Senators had been elected, when the following gentlemen responded:

From the county of Elkhart—B. L. Davenport.

From the county of Jefferson—E. R. Wilson.

From the counties of Madison and Delaware—M. C. Smith.

From the counties of Marion and Morgan—George W. Grubbs.

From the county of Wayne—Daniel W. Comstock.

From the counties of Howard and Miami—Milton Garrigus.

From the counties of Wabash and Huntington—Abner H. Shaffer.

From the county of Tippecanoe—B. W. Langdon.

From the counties of Cass and Carroll—Charles Kahlo.

From the counties of Daviess and Greene—David J. Hefron.

From the counties of Grant, Blackford and Jay—Thomas S. Briscoe.

From the counties of St. Joseph and Starke—David R. Leeper.

From the counties of Lake and Porter—Thomas J. Wood.

From the counties of Switzerland, Ohio and Ripley—L. J. Woollen.

From the counties of Crawford and Harrison—John Benz.

From the counties of Martin, Dubois and Orange—William A. Traylor.

From the counties of Knox and Sullivan—F. W. Viehe.

From the counties of Spencer and Perry—Henry Kramer.

From the counties of Pike and Warrick—T. B. Hart.

From the counties of Gibson and Posey—G. V. Menzies.

From the counties of Dearborn and Franklin—S. E. Urmstan.

From the counties of Brown and Bartholomew—R. L. Coffey.

From the county of Allen—Thomas J. Foster.

Upon their appearance the oath of office was administered by the Hon. James R. Slack, Judge of the twenty-eighth Judicial Circuit.

Mr. Reeve offered the following resolution:

Resolved, That for the purpose of effecting a speedy and complete organization of the Senate, Daniel D. Dale be and is hereby chosen Principal Secretary, Charles W. Ward, Assistant Secretary, and Richard Huncheson, Doorkeeper of the Senate for the present term. Upon which he demanded the previous question.

Messrs. Harris and Olds demanded the ayes and noes.

Those who voted in the affirmative were: Senators Benz, Briscoe, Burrell, Coffey, Donham, Foster, Fowler, Hart, Hefron, Kent, Kramer, Leeper, Major, Menzies, Peterson, Reeve, Reiley, Sarnighausen, Tarlton, Traylor, Urmstan, Viehe, Winterbotham, Wood, Woollen and Mr. President—26.

Those who voted in the negative were: Senators Cadwallader, Comstock, Davenport, Davis, Dice, Garrigus, Grubbs, Harris, Heilman, Kahlo, Langdon, Mercer, Moore, Olds, Poindexter, Ragan, Shaffer, Shirk, Smith, Streight, Taylor, Treat, Trusler, Weir and Wilson—25.

The demand was seconded.

The question being, shall the main question be now put?

The ayes and noes were demanded by Messrs. Harris and Olds, and, being taken, resulted as follows:

Those who voted in the affirmative were: Senators Benz, Briscoe, Burrell, Coffey, Donham, Foster, Fowler, Hart, Hefron, Kent, Kramer, Leeper, Major, Menzies, Peterson, Reeves, Reiley, Sarnighausen, Tarlton, Traylor, Urmstan, Viehe, Winterbotham, Wood, Woollen and Mr. President—26.

Those who voted in the negative were: Senators Cadwallader, Comstock, Davenport, Davis, Dice, Garrigus, Grubbs, Harris, Heilman, Kahlo, Langdon, Mercer, Moore, Olds, Poindexter, Ragan, Shaffer, Shirk, Smith, Streight, Taylor, Treat, Trusler, Weir and Wilson—25.

The main question was ordered.

Mr. Harris demanded a division of the question so as to vote for the officers named separately.

The question being on that part of the resolution declaring Daniel W. Dale Principal Secretary, a constitutional provision requiring the ayes and noes, they were taken, and resulted as follows:

Those who voted in the affirmative were: Senators Benz, Briscoe, Burrell, Coffey, Donham, Foster, Fowler, Hart, Hefron, Kent, Kramer, Leeper, Major, Menzies, Peterson, Reeve, Reiley, Sarnighausen, Tarlton, Traylor, Urmstan, Viehe, Winterbotham, Wood, Woollen and Mr. President—26.

Those who voted in the negative were: Senators Cadwallader, Comstock, Davenport, Davis, Dice, Garrigus, Grubbs, Harris, Heilman, Kahlo, Langdon, Mercer, Moore, Olds, Poindexter, Ragan, Shaffer, Shirk, Smith, Streight, Taylor, Treat, Trusler, Weir and Wilson—25.

The first part of the resolution was adopted.

The question recurring on the second part of the resolution, declaring Charles W. Ward Assistant Secretary, a constitutional provision requiring the yeas and nays they were ordered, and being taken resulted as follows:

Those who voted in the affirmative were: Senators Benz, Briscoe, Burrell, Coffey, Donham, Foster, Fowler, Hart, Hefron, Kent, Kramer, Leeper, Major, Menzies, Peterson, Reeve, Reiley, Sarnighausen, Tarlton, Traylor, Urmstan, Viehe, Winterbotham, Wood, Woollen and Mr. President—26.

Those who voted in the negative were: Senators Cadwallader, Comstock, Davenport, Davis, Dice, Garrigus, Grubbs, Harris, Heilman, Kahlo, Langdon, Mercer, Moore, Olds, Poindexter, Ragan, Shaffer, Shirk, Smith, Streight, Taylor, Treat, Trusler, Weir and Wilson—25.

The second clause in the resolution was adopted.

The question recurring on the third clause of the resolution declaring Richard Huncheon Doorkeeper of the Senate, a constitutional provision requiring the ayes and noes they were taken, with the following result:

Those who voted in the affirmative were: Senators Benz, Briscoe, Burrell, Coffey, Donham, Foster, Fowler, Hart, Hefron, Kent, Kramer, Leeper, Major, Menzies, Peterson, Reeve, Reiley, Sarnighausen, Tarlton, Traylor, Urmstan, Viehe, Winterbotham, Wood, Woollen and Mr. President—26.

Those who voted in the negative were: Senators Cadwallader, Comstock, Davenport, Davis, Dice, Garrigus, Grubbs, Harris, Heil-

man, Kahlo, Langdon, Mercer, Moore, Olds, Poindexter, Ragan, Shaffer, Shirk, Smith, Streight, Taylor, Treat, Trusler, Weir and Wilson—25.

The third clause was adopted.

The question recurring on the question of the adoption of the resolution as a whole, a constitutional provision requiring the ayes and noes they were taken, with the following result:

Those who voted in the affirmative were: Senators Benz, Briscoe, Burrell, Coffey, Donham, Foster, Fowler, Hart, Hefron, Kent, Kramer, Leeper, Major, Menzies, Peterson, Reeve, Reiley, Sarnighausen, Tarlton, Traylor, Urmstan, Viehe, Winterbotham, Wood, Woollen and Mr. President—26.

Those who voted in the negative were: Senators Cadwallader, Comstock, Davenport, Davis, Dice, Garrigus, Grubbs, Harris, Heilman, Kahlo, Langdon, Mercer, Moore, Olds, Poindexter, Ragan, Shaffer, Shirk, Smith, Streight, Taylor, Treat, Trusler, Weir and Wilson—25.

The resolution was adopted.

Mr. Winterbotham moved to reconsider the vote just taken and to lay that motion on the table.

The Lieutenant-Governor ordered the ayes and noes, and they were taken, with the following result:

Those who voted in the affirmative were: Senators Benz, Briscoe, Burrell, Coffey, Donham, Foster, Fowler, Hart, Hefron, Kent, Kramer, Leeper, Major, Menzies, Peterson, Reeve, Reilly, Sarnighausen, Tarlton, Traylor, Urmstan, Viehe, Winterbotham, Wood, Woollen, and Mr. President—26.

Those who voted in the negative were: Senators Cadwallader, Comstock, Davenport, Davis, Dice, Garrigus, Grubbs, Harris, Heilman, Kahlo, Langdon, Mercer, Moore, Olds, Poindexter, Ragan, Shaffer, Shirk, Smith, Streight, Taylor, Treat, Trusler, Weir and Wilson—25.

The motion was agreed to.

The oath of office was then administered to Daniel D. Dale, of White county, as Principal Secretary of the Senate, to Charles W. Ward, of Vermillion county, as Assistant Secretary of the Senate,

and to Richard Huncheon, of Laporte county, as doorkeeper of the Senate, by Hon. James R. Slack, Judge of the Twenty-eighth Judicial Circuit.

On motion of Mr. Reeves the Senate adjourned.

AFTERNOON SESSION.

JANUARY 9, 1879.

Mr. Sarnighausen offered the following resolution:

Resolved, That the Senate adopt the rules of the regular session of 1877 for its government until such time as permanent rules shall be adopted by the Senate.

Mr. Reeve demanded the previous question.

Which was seconded.

The main question being ordered the resolution was adopted.

Mr. Trusler offered the following resolution:

Resolved, That the Doorkeeper be ordered to place a copy of the acts of the Senate and House Journal of the regular and special sessions of 1877 upon the desk of each member of the Senate.

Which was adopted.

Mr. Reeve offered the following resolution:

Resolved, That on requisition of the Secretary of the Senate the State Librarian be and is directed to furnish the necessary stationery supplies for use of the Senate chamber in transacting the business of the Senate, and on requisition of the Senate chairman of the standing committees, he furnish for the use of said committees in transacting the business of the State before them, the necessary stationery supplies.

Which was adopted.

Mr. Reeve offered the following resolution:

Resolved, That the Secretary of the Senate be directed to inform the House of Representatives that the Senate has perfected its organization by the election of Daniel D. Dale, Secretary; Charles W. Ward, Assistant Secretary, and Richard Huncheon, Doorkeeper.

Which was adopted.

Mr. Dice offered the following resolution:

Resolved, That a committee of two on the part of the Senate be appointed to act with a like committee on the part of the House of Representatives, to wait upon His Excellency, the Governor of the State, and inform him of the organization of the two Houses, and learn of him at what time it will suit his convenience to make whatever communication he may desire to the General Assembly.

Which was adopted.

A message from the House by Messrs. Caldwell and Thayer, committee thereof:

MR. PRESIDENT:

We are instructed by the Speaker to inform the Senate that the House has perfected its organization by the election of the following officers:

Speaker, Hon. Henry S. Cauthorn; Clerk, Webster Dixon; Assistant Clerk, Thomas C. Mays; Doorkeeper, David B. Wilson.

And that the House is now ready to proceed to business.

Mr. Fowler offered the following resolution:

Resolved, That the thanks of the Senate be and the same are hereby tendered to the Hon. James R. Slack and the Hon. E. Henderson for their services in assisting to organize the Indiana State Senate.

Which was adopted.

The Lieutenant-Governor laid before the Senate a communication from the Secretary of State, transmitting the papers in the case of James W. Sansberry, contestor of the seat of Marcus C. Smith, of the Senatorial District composed of the counties of Madison and Delaware.

Mr. Reeve moved to refer the papers to a special committee of five.

Mr. Harris moved to make the subject the special order for tomorrow at 2 o'clock.

Mr. Reeve moved to lay this motion on the table.

The ayes and noes were demanded by Messrs. Harris and Taylor, and being ordered resulted as follows:

Those who voted in the affirmative were: Senators Briscoe, Burrell, Coffey, Donham, Foster, Fowler, Hart, Kent, Kramer, Leeper, Major, Menzies, Reeve, Reiley, Tarlton, Traylor, Urmstan, Viehe, Winterbotham, Wood and Woollen—21.

Those who voted in the negative were: Senators Benz, Comstock, Davenport, Davis, Dice, Garrigus, Grubbs, Harris, Heilman, Kahlo, Langdon, Mercer, Moore, Olds, Peterson, Poindexter, Ragan, Sarnighausen, Shaffer, Shirk, Smith, Streight, Taylor, Treat, Trusler, Weir and Wilson—27.

The motion was not agreed to.

The motion to postpone was agreed to.

The Lieutenant-Governor laid before the Senate the following communication:

To Hon. Isaac P. Gray,

President of the State Senate:

SIR: I have the honor to report to you, and through you to the Senate, that the following rooms in the court house are prepared and at the service of Senate committees, as follows:

No. 84, Senate engrossing clerks, over cloak-room of Senate, third floor.

No. 59, Senate enrolling clerks, second floor.

No. 79, Senate judiciary committee, third floor.

The following rooms on the Mansard floor of court house, south side of building, are also at the disposal of the Senate and House of Representatives for use as committee rooms, viz:

Rooms Nos. 4, 5, 6, 7, 8 and 9.

Very respectfully,

Your obedient servant,

R. A. CONNER,

State Librarian.

Mr. Ragan offered the following resolution, which was adopted.

Resolved, That the Secretary be required to place upon the desk of each member, every Monday morning, a printed calendar of pending business, showing the number and titles of bills, by whom introduced, and at what time, and by a brief abstract showing the present status thereof, and the action taken in regard thereto.

Mr. Harris introduced Senate bill No. 1, entitled "An act providing for the assessing and appraising of property for taxation, for the collection of taxes and the manner of accounting for the same, and for the keeping of and adjusting the accounts of the receipts and expenditures of counties, for the distribution of the funds collected by county treasurers limiting the tax levies of counties and townships, and for other purposes."

Read by title only.

Mr. Trusler introduced Senate Bill No. 2, to fix the rates of interest on money, and the penalty for usury, which was read the first time and referred to the committee on the judiciary.

Mr. Dice introduced Senate Bill No. 3, entitled "An act appropriating one hundred and twenty-five thousand dollars to defray the expenses of the Fifty-first Regular Session of the General Assembly of the State of Indiana, and other matters connected therewith."

Read the first time and referred to the committee on finance.

Mr. Dice moved that the constitutional restriction be suspended, the bill read the second time by title, the third time by sections and put upon its passage now.

Mr. Streight moved its reference to a special committee.

Mr. Winterbotham made an ineffectual motion to refer it to the committee on finance.

The motion to refer to special committee was also rejected.

A constitutional provision requiring the ayes and noes on the motion to advance the bill to the third reading, they were ordered and being taken resulted as follows:

Those who voted in the affirmative were: Senators Dice, Donham, Garrigus, Kent, Moore, Olds, Reeve and Shaffer—8.

Those who voted in the negative were: Senators Benz, Briscoe, Burrell, Cadwallader, Coffey, Comstock, Davenport, Davis, Foster, Grubbs, Harris, Hart, Heilman, Kahlo, Kramer, Langdon, Leeper, Major, Menzies, Mercer, Moore, Peterson, Poindexter, Ragan, Reiley, Sarnighausen, Shirk, Smith, Streight, Tarlton, Taylor, Traylor, Treat, Trusler, Urmstan, Viehe, Weir, Wilson, Winterbotham, Wood and Woollen—41.

Mr. Sarnighausen offered the following resolution:

Resolved, That the President of the Senate appoint a committee of three on mileage and accounts of members of the Senate.

Which was adopted.

Mr. Sarnighausen offered the following resolution:

WHEREAS, Several amendments to the constitution of the State of Indiana passed during the last regular session of the General Assembly, and under the constitution must be voted on for the second time during the present regular session; therefore,

Resolved, That the consideration of and the vote on those amendments be made the special order of the day for next Tuesday, January 14, 1879, at 2 o'clock P. M.

Which was adopted.

Mr. Comstock introduced Senate Bill No. 4, "A bill to repeal an act entitled an act to establish a superior court in the county of Wayne, defining its jurisdiction and providing for the election and compensation of the judge thereof, approved March 10, 1877, and providing for the transfer of business pending in said court to the circuit court of said county."

Read the first time and referred to the committee on the judiciary.

Message from the House by the clerk thereof:

MR. PRESIDENT:

I am directed by the Speaker to inform the Senate that the House has passed the following resolution:

Resolved, That a committee of two on the part of the House be appointed, to act with a similar committee on the part of the Senate, to wait on His Excellency, the Governor, to inform him of the organization of the House, and learn of him at what time it will suit his convenience to make whatever communication he may desire to the General Assembly, and the House has appointed Messrs. Humphreys and March as such committee on the part of the House.

On motion of Mr. Sarnighausen, the House message was taken up and the resolution concurred in, and the Lieutenant Governor thereupon made the committee upon the part of the Senate to consist of Messrs. Wood and Grubbs.

Mr. Moore introduced Senate Bill No. 5, entitled "An act to legalize certain sheriff's sales where the notice is defective."

Read the first time and referred to the committee on the judiciary.

Mr. Sarnighausen introduced Senate Bill No. 6, entitled "An act to legalize the acknowledgments of all deeds, mortgages and other instruments required to be so recorded, taken and certified to by notaries public, who took and certified such acknowledgments after the expiration of their commissions."

Read the first time and referred to the committee on the judiciary.

Mr. Reiley introduced Senate Bill No. 7, entitled "An act to prevent corruption at elections and imposing penalties for such offenses."

Read the first time and referred to the committee on elections.

Mr. Sarnighausen introduced Senate Bill No. 8, entitled "An act to prevent grave-robbing, and the disturbance of graves, and the stealing of dead human bodies not buried, and prescribing penalties therefor, and repealing section 38 of 'an act defining misdemeanors and prescribing punishment therefor,' approved June 14, 1852."

Read the first time and referred to a special committee consisting of Messrs. Sarnighausen, Moore, Dice, Schaffer and Trusler.

Mr. Sarnighausen introduced Senate Bill No. 9, entitled "An act to promote the science of medicine and surgery, by providing methods whereby human subjects for anatomical and scientific dissection and experiment may be lawfully obtained, and prescribing penalties for violation thereof."

Read the first time and referred to a special committee consisting of Messrs. Sarnighausen, Moore, Dice, Shaffer and Trusler.

The Lieutenant Governor announced his appointment of the following Pages: Claude M. Douglass of Harrison county, and Fred. W. Faut of Marion county.

Mr. Dice introduced Senate Bill No. 10, entitled "An act fixing the mileage and per diem of members of the General Assembly, and prescribing the pay of the officers thereof."

Read the first time and referred to the committee on fees and salaries.

Mr. Ragan introduced Senate Bill No. 11, entitled "An act fixing the compensation of employes of the General Assembly, repealing laws and parts of laws conflicting with the same and declaring an emergency."

Read the first time and referred to the committee on fees and salaries.

Mr. Harris introduced Senate Bill No. 12, entitled "An act concerning the trial of civil causes in the circuit and superior court of this State."

Read the first time and referred to the committee on the judiciary.

Mr. Harris introduced Senate Bill No. 13, entitled "An act in relation to contempt of court, and providing for the trial and punishment thereof."

Read the first time and referred to the committee on the judiciary.

Mr. Kahlo introduced Senate Bill No. 14, entitled "An act legalizing an annexation of platted territory to the city of Logansport, by resolution of the common council of May 5, 1870, and the annexation to said city of contiguous territory, by proceedings before the board of commissioners of Cass county of June 13, 1870, and establishing the limits of the city of Logansport."

Read the first time and referred to a special committee composed of Messrs. Kahlo, Dice, Cadwallader, Briscoe and Viehe.

Mr. Comstock introduced Senate Bill No. 15, entitled "An act regulating the number and qualifications of petit jurors, in the several counties of this State."

Read the first time and referred to the committee on the judiciary.

Mr. Dice introduced Senate Bill No. 16, entitled "An act in reference to changes of venue in cases of preliminary examinations for felonies before justices of the peace, and other authorized officers."

Read the first time and referred to the committee on the judiciary.

Mr. Kent asked for leave of absence for Mr. Fowler, which was obtained.

On motion of Mr. Sarnighausen, the Senate adjourned until 10 o'clock to-morrow morning, under the rule.

(Approved.)

ISAAC P. GRAY,

President of the Senate.

FRIDAY MORNING.

JANUARY 10, 1879.

Senate met at 10 o'clock.

The Journal of yesterday was read.

Mr. Grubbs moved to strike out the words in the Journal "and ex officio Principal Secretary of the Senate."

Mr. Reeve moved to substitute for the words "ex officio Secretary of the Senate," the words "by direction of the President of the Senate."

Which was agreed to upon a division; affirmative 26, negative 24.

The Journal was then approved as corrected.

Mr. Wood, from the committee appointed to wait upon the Governor, reported that the Governor would deliver his message at half past two o'clock to-day in the hall of the House of Representatives.

Message from the House, by the Clerk thereof:

MR. PRESIDENT:

I am directed by the Speaker to inform the Senate that the House has adopted the following resolution:

Resolved, That the Senate be invited to meet in joint session with the House in this chamber at 2½ o'clock P. M. Friday, January 10, 1879, for the purpose of receiving the biennial message of the Governor, and that the Doorkeeper of the House be requested to prepare seats for the use of the members of the Senate, and the same is herewith transmitted to the Senate.

The Lieutenant Governor appointed a committee on mileage and accounts, namely: Ragan, Briscoe and Moore.

He also appointed as additional pages, James Dougherty and Arthur Moody, both of Marion county.

Mr. Taylor offered the following resolution, which was adopted:

Resolved, That a committee of three be appointed by the chair to report rules for the government of this body.

Mr. Poindexter offered the following resolution, which was adopted:

Resolved, That the thanks of this house are due State Librarian Conner for the excellent manner in which he has arranged this hall for the comfort and convenience of the members.

Mr. Ragan offered the following concurrent resolution:

WHEREAS, In the opinion of the Senate, based upon the existing fact that each of the last three sessions of the General Assembly have proven too short for the work necessarily demanding attention, which fact has in each case referred to rendered a called session necessary, thus involving a great additional expense; and

WHEREAS, The opinion prevails to a certain extent throughout the State, as well as in the minds of Senators upon this floor, that the present construction put upon section twenty-nine (29), of article four (4), of the constitution, that makes it include Sundays in the sixty-one days fixed as the constitutional limit of a regular session of the General Assembly is wrong, and should be so declared by the proper authorities; therefore, be it

Resolved by the Senate (the House of Representatives concurring therein), That a committee consisting of three Senators and a like number of Representatives be appointed, whose duty it shall be to present this subject to the Attorney General with the view of getting his authority to extend this and all future regular sessions of the General Assembly under the present constitution, to include sixty-one working days, for which officers, members and employes will only be entitled to draw pay.

Mr. Fowler moved to lay the resolution on the table.

The ayes and noes were demanded and resulted as follows.

Those who voted in the affirmative were: Senators Benz, Biscoe, Burrell, Coffey, Davis, Donham, Foster, Fowler, Garrigus, Grubbs, Harris, Hart, Hefron, Heilman, Kent, Langdon, Leeper, Major, Menzies, Mercer, Moore, Olds, Peterson, Poindexter, Reeve, Reiley, Sarnighausen, Shirk, Smith, Streight, Tarlton, Taylor, Traylor, Treat, Urmstan, Viehe, Weir, Winterbotham, Wood and Woollen—40.

Those who voted in the negative were: Senators Cadwallader, Comstock, Davenport, Dice, Kahlo, Kramer, Ragan, Shaffer, Trusler and Wilson—10.

The resolution was laid upon the table.

Mr. Taylor offered the following resolution:

Resolved, That the State Librarian be directed to furnish the members of this Senate and the Lieutenant Governor a set of Davis's Revised Statutes, taking their receipt therefor, such Statutes to be returned to the State Librarian at the close of this session or paid for at actual cost, and in case any of such Statutes remain after the close of the session, then the same shall be sold to any one wanting them. The funds received to be turned into the State Treasury.

Which resolution was adopted.

Mr. Fowler offered the following resolution:

Resolved, That a copy of Davis' Statutes be furnished such Senators as were not members of the last Senate, to be returned to the Secretary of State at the close of the session.

Mr. Olds moved to amend the amendment by striking out all of the resolution following after the word "Statutes."

Mr. Reeves offered the following resolution:

Resolved, That a copy of the Statutes be furnished by the Secretary of State to the members of the Senate and Lieutenant-Governor, to be receipted for, and to be returned at expiration of the session, or be paid for at cost price by the members retaining them.

Which was laid upon the table.

Mr. Burrell moved to lay the substitute on the table.

Which was agreed to.

The question being on the amendment to the amendment, and the ayes and noes being demanded by Messrs. Poindexter and Ragan, and being ordered resulted as follows:

Those who voted in the affirmative were; Senators Benz, Burrell, Dice, Donham, Kent, Major, Menzies, Olds, Tarlton and Winterbotham—10.

Those who voted in the negative were: Senators Briscoe, Cadwallader, Coffey, Comstock, Davenport, Davis, Foster, Fowler, Garrigus, Grubbs, Harris, Hart, Hefron, Heilman, Kahlo, Kramer, Langdon, Leeper, Mercer, Moore, Peterson, Poindexter, Ragan, Reeve, Reiley, Sarnighausen, Shaffer, Shirk, Smith, Streight, Taylor, Traylor, Treat, Trusler, Urmstan, Viehe, Weir, Wilson, Wood and Woollen—40.

Mr. Shaffer offered the following resolution:

Resolved, That the Secretary of State furnish a copy of Davis' Revised Statutes to the chairman of each committee, taking the receipt of the chairman therefor, to be again returned at the close of the session of the legislature.

On motion of Mr. Olds it was laid on the table.

The question recurring on the amendment of Mr. Fowler, Mr. Winterbotham moved to lay it on the table.

The ayes and noes were demanded by Messrs. Fowler and Trusler, and being ordered and taken, resulted as follows:

Those who voted in the affirmative were: Senators Benz, Burrell, Coffey, Davis, Donham, Foster, Garrigus, Harris, Hefron, Kahlo, Kent, Kramer, Menzies, Mercer, Olds, Peterson, Poindexter, Ragan, Reeve, Sarnighausen, Smith, Streight, Tarlton, Taylor, Traylor, Urmstan, Viehe, Wilson, Winterbotham, Wood and Woollen—31.

Those who voted in the negative were: Senators Briscoe, Cadwallader, Comstock, Davenport, Dice, Fowler, Grubbs, Hart, Heil-

man, Langdon, Leeper, Moore, Reiley, Shaffer, Shirk, Treat, Trusler and Weir—18.

Mr. Reeve moved to strike out the words "State Librarian," at the beginning of the resolution, and insert the words "Secretary of State."

Which was rejected.

Mr. Fowler moved to amend by inserting "And the said Statutes shall not be sold for less than the cost price."

Mr. Streight offered the following as a substitute for the whole subject matter:

Resolved, That the State Librarian be and is hereby instructed to furnish the President of the Senate and the new members thereof with one copy each of Davis' Revised Statutes."

Mr. Taylor demanded the previous question.

The demand was seconded by the Senate and the main question ordered.

The question being on Mr. Streight's substitute.

The yeas and nays were demanded by Messrs. Ragan and Fowler, and being ordered, resulted as follows:

Those who voted in the affirmative were: Senators Cadwallader, Donham, Foster, Harris, Heilman, Kahlo, Menzies, Moore, Reeve, Reiley, Sarnighausen, Shaffer, Shirk, Streight, Treat, Trusler, Urmstan and Weir—18.

Those who voted in the negative were: Senators Benz, Biscoe, Burrell, Coffey, Comstock, Davenport, Davis, Dice, Fowler, Garrigus, Grubbs, Hart, Hefron, Kent, Kramer, Langdon, Leeper, Major, Mercer, Olds, Peterson, Poindexter, Ragan, Smith, Tarlton, Taylor, Traylor, Viehe, Wilson, Winterbotham, Wood and Woolen—31.

The substitute was rejected.

The question recurring on Mr. Fowler's amendment it was also rejected.

The question recurring on the original resolution, and the ayes and noes being demanded by Messrs. Dice and Olds, and being ordered, resulted as follows:

Those who voted in the affirmative were: Senators Cadwallader, Coffey, Davis, Garrigus, Grubbs, Harris, Hefron, Heilman, Kahlo, Kent, Major, Menzies, Mercer, Moore, Poindexter, Ragan, Reiley,

Sarnighausen, Shirk, Smith, Taylor, Treat, Viehe, Wilson, Winterbotham and Wood—26.

Those who voted in the negative were: Senators Benz, Briscoe, Burrell, Comstock, Davenport, Dice, Donham, Foster, Fowler, Hart, Kramer, Langdon, Leeper, Olds, Peterson, Reeve, Shaffer, Streight, Tarlton, Traylor, Trusler, Urmstan, Weir and Woollen—24.

The resolution was adopted.

Mr. Winterbotham moved that the invitation of the House to the Senate to repair to the House at half-past two o'clock to hear the message of His Excellency, the Governor, be accepted.

Which motion was agreed to.

On motion of Mr. Trusler the Senate adjourned.

AFTERNOON SESSION.

JANUARY 10, 1879.

The Senate reassembled at 2 o'clock P. M. Lieutenant-Governor Gray in the chair.

Mr. Kent introduced Senate Bill No. 17, entitled "An act to enable the owners of wet lands to drain and reclaim them, where the same can not be done without affecting the lands of others, prescribing the power and duties of county boards, county auditors and township trustees in the premises, and providing for keeping such drains in repair, and repealing all laws inconsistent therewith."

Read the first time and referred to the committee on swamp lands, and two hundred copies ordered printed.

Mr. Woods introduced Senate Bill No. 18, entitled "An act to declare all canal land patents issued by the trustees of the Wabash and Erie Canal, and all canal land patents that may be hereafter issued, and the record thereof in the recorder's office in any county in this State where canal land described therein lies, and duly certified copies of such record as evidence of title to any canal land therein described in any court of record in this State, and all canal land patents heretofore issued and not recorded, and all that may be

hereafter issued, shall be recorded in the record of deeds in the recorder's office of the county in which the land therein described is situate."

Read the first time and referred to the committee on the judiciary, and on further motion one hundred copies were ordered printed.

A committee of the House announced that body waiting for the appearance of the Senate.

On motion of Mr. Fowler the Senate proceeded, under escort of the House committee, to the hall of the House of Representatives to hear the message of the Governor.

Upon the return of the Senate from the Hall of the House of Representatives the Lieutenant Governor took the chair, and announced the consideration of the special order set for 2½ o'clock, being the contested election case from the counties of Madison and Delaware.

Mr. Reeve moved that the subject be taken up now, which was agreed to upon a division—affirmative, 26; negative, 22.

The question being on the pending motion to refer the papers to a special committee.

Mr. Sarnighausen moved to change the reference to the regular committee on elections.

Mr. Reeve asked and obtained leave to withdraw his motion, and his motion to refer to a special committee.

There being no objection it was withdrawn.

The Lieutenant-Governor directed the reference of all the papers to the standing committee on elections.

Mr. Coffey introduced Senate Bill No. 19, entitled "An act to create the forty-third judicial circuit; to amend sections 10 and 11 of an act entitled an act to divide the State into circuits for judicial purposes; fixing the time of holding courts therein; abolishing the courts of common pleas and transferring the business thereof to the circuit courts, and providing for the election of judges and prosecuting attorneys in certain cases, approved March 6, 1873, and also to provide for holding terms of court in the ninth, tenth and forty-third judicial circuits; providing for the appointment of a judge for the forty-third judicial circuit; also for the appointment of prosecuting attorneys in cases therein provided for; repealing all laws in conflict therewith, and providing for an emergency."

Read the first time and referred to the committee on the judiciary..

Mr. Grubbs introduced Senate Bill No. 20, entitled "An act in relation to married women; giving them power to execute contracts and to make defenses to the same; providing for their power and control over their separate real and personal estate, and matters connected therewith."

Read the first time and referred to the committee on the judiciary.

Mr. Davenport introduced Senate Bill No. 21, entitled "An act to amend sections 1, 5 and 7, of an act entitled an act to establish city courts in cities having a population of six thousand inhabitants, and defining their jurisdiction and mode of procedure therein, approved March 12, 1875."

Read the first time and referred to the committee on the judiciary.

Mr. Foster introduced Senate Bill No. 22, entitled "An act to legalize the acts of the board of trustees of the town of New Haven, in Allen county, and of other towns in the State incorporated under the general laws of the State for the incorporation of towns, in the levy and assessment of taxes for town and other purposes, for the years 1874, 1875, 1876, 1877 and 1878, and declaring an emergency."

Read the first time and referred to the committee on corporations.

Mr. Shaffer introduced Senate Bill No. 23, entitled "An act to legalize the acts of the common council, and of the mayor of the town of Huntington, Huntington county, Indiana, and all other officers of said corporation, under an act to amend section five (5) of an act to incorporate the town of Huntington, approved March 7, 1873, and declaring an emergency."

Read the first time and referred to the committee on the judiciary.

Mr. Kramer introduced Senate Bill No. 24, entitled "An act to enforce the attendance of witnesses who have been subpoenaed, and to avoid the expense of subpoenaing witnesses a second time in civil cases and in cases of continuance."

Read the first time and referred to the committee on corporations.

Mr. Reiley introduced Senate Bill No. 25 entitled "An act to amend section one of an act entitled an act providing for the election and appointment of supervisors of highways, and prescribing certain of their duties and those of county and township officers in relation thereto, and to repeal all laws inconsistent therewith, approved March 5, 1877."

Read the first time and referred to the committee on roads.

Mr. Reeve moved that when the Senate do adjourn it adjourn until 2 o'clock on Monday afternoon.

The ayes and noes were demanded by Messrs. Trusler, Shirk, Grubbs, Viehe and Fowler, and being ordered and taken resulted as follows:

Those who voted in the affirmative were: Senators Benz, Burrell, Davis, Heilman, Kent, Langdon, Leeper, Moore, Peterson, Poindexter, Reeve, Sarnighausen, Shaffer, Streight, Tarlton, Taylor, Treat and Wood—18.

Those who voted in the negative were: Senators Briscoe, Cadwallader, Coffey, Comstock, Davenport, Dice, Donham, Foster, Fowler, Garrigus, Grubbs, Harris, Hart, Kahlo, Kramer, Major, Menzies, Mercer, Olds, Ragan, Reiley, Shirk, Smith, Traylor, Trusler, Urmstan, Viehe, Weir and Woollen—29.

Mr. Woollen moved that when the Senate adjourn it be until Monday at 10 o'clock.

The ayes and noes were demanded by Senators Olds, Grubbs, Fowler, Trusler and Cadwallader and being ordered and taken resulted as follows.

Those who voted in the affirmative were: Senators Briscoe, Burrell, Cadwallader, Coffey, Comstock, Davenport, Davis, Dice, Donham, Foster, Fowler, Garrigus, Grubbs, Harris, Hart, Heilman, Kahlo, Kent, Kramer, Langdon, Leeper, Major, Menzies, Mercer, Moore, Olds, Peterson, Poindexter, Ragan, Reeve, Reiley, Sarnighausen, Shaffer, Shirk, Smith, Streight, Tarlton, Taylor, Traylor, Treat, Trusler, Urmstan, Viehe, Wilson, Winterbotham, Wood and Woollen—47.

No one voting in the negative.

On motion of Mr. Viehe the Senate adjourned.

(Approved.)

ISAAC P. GRAY,

President of the Senate..

MONDAY MORNING.

JANUARY 13, 1879.

The Senate met at 10 o'clock A. M., the President in the chair.

The Journal of Saturday, the 11th inst., was read and approved.

The following communication was received from the Governor :

STATE OF INDIANA, GOVERNOR'S OFFICE,
INDIANAPOLIS, JANUARY 9, 1879.

SIR: Samuel R. Downey is authorized to make and transmit executive communications to the Senate.

Respectfully,

JAMES D. WILLIAMS, Governor.

To the President of the Senate.

The Lieutenant-Governor appointed the following standing committees of the Senate:

On Elections—Messrs. Reiley, Wilson, Viehe, Heilman, Burrell, Taylor and Coffey.

On Finance—Messrs. Winterbotham, Streight, Urmstan, Cadwallader, Kramer, Davis and Woollen.

On Judiciary—Messrs. Reeve, Harris, Viehe, Grubbs, Burrell, Comstock and Kent.

On Organization of Courts—Messrs. Viehe, Grubbs, Coffey, Langdon, Menzies, Wilson and Wood.

On Education—Messrs. Sarnighausen, Langdon, Woollen, Olds, Tarlton, Treat and Fowler.

On Corporations—Messrs. Kent, Moore, Hebron, Langdon, Menzies, Dice and Wood.

On Roads—Messrs. Peterson, Weir, Donham, Majors, Taylor, Tarlton and Trusler.

On Benevolent and Reformatory Institutions—Messrs. Fowler, Cadwallader, Woollen, Shirk, Viehe, Streight and Tarlton.

On Agriculture—Messrs. Tarlton, Major, Peterson, Weir, Hart, Poindexter and Davis.

On Banks—Messrs. Leeper, Cadwallader, Burrell, Heilman, Coffey, Davenport and Reeve.

On Public Printing—Messrs. Foster, Mercer, Riley, Garrigus, Traylor, Shaffer and Briscoe.

On Public Buildings and State Library—Messrs. Woollen, Streight, Leeper, Kahlo, Menzies, Garrigus and Tarlton.

On State Prisons—Messrs. Hefron, Kahlo, Foster, Davenport, Briscoe, Shaffer and Benz.

On Canals, Internal Improvements and Swamp Lands—Messrs. Major, Davis, Garrigus, Reeve, Langdon, Kent and Trusler.

On Fees and Salaries—Messrs. Briscoe, Smith, Sarnighausen, Dice, Reeve, Ragan and Urmstan.

On Claims and Expenditures—Messrs. Burrell, Wilson, Kramer, Davis, Hart, Poindexter and Hefron.

On Military Affairs—Messrs. Traylor, Moore, Menzies, Olds, Foster, Shaffer and Urmstan.

On Phraseology, Arrangement, Enrollment of Bills and Unfinished Business—Messrs. Coffey, Dice, Viehe, Moore, Foster, Grubbs and Reeve.

On Federal Relations, Rights and Privileges of the Inhabitants of the State—Messrs. Donham, Mercer, Winterbotham, Shirk, Sarnighausen, Weir and Menzies.

On Temperance—Messrs. Urmstan, Treat, Traylor, Harris, Peterson, Ragan and Benz.

On County and Township Business—Messrs. Kramer, Olds, Traylor, Ragan, Donham, Taylor and Peterson.

On Immigration and Statistics—Messrs. Hart, Treat, Sarnighausen, Comstock, Leeper, Wilson and Fowler.

On Insurance—Messrs. Menzies, Davenport, Hefron, Trusler, Comstock, Wood and Woollen.

On Railroads—Messrs. Wood, Harris, Fowler, Smith, Kahlo, Leeper and Reiley.

On Mines, Mining and Manufactories—Messrs. Benz, Poindexter, Kent, Davenport, Hart, Heilman and Winterbotham.

Joint Standing Committee on the Part of the Senate on Enrolled Bills—Messrs. Coffey, Grubbs and Viehe.

On Public Buildings—Messrs. Woollen, Streight and Leeper.

On State Library—Messrs. Menzies, Moore and Kahlo.

On Canal Fund—Messrs Davis, Langdon and Reeve.

On Claims—Messrs. Burrill, Wilson and Heffron.

Mr. Coffey presented a petition from the citizens of Bartholomew county praying for the reconstruction of the ninth and tenth judicial circuits, and the formation of a forty-third judicial circuit.

Referred to the committee on organization of courts.

Mr. Grubbs offered the following, which was adopted :

Resolved, That a committee consisting of Senators Harris and Burrell be appointed to make arrangements to have the daily sessions of the Senate opened with prayer.

Mr. Kramer offered the following resolution :

Resolved, That the Principal Secretary of the Senate be required to have the printing pertaining to the Senate done under the contract of the State board of printing at the rates charged under said contract, unless he can have said work done cheaper at other places.

On motion of Mr. Harris the resolution was referred to the committee on printing.

Mr. Reiley offered the following resolution :

Resolved, That the committee on the judiciary be instructed to ascertain and report what officers are to be elected at this session of the Legislature for the government of the prisons and benevolent institutions, as also the names of the persons and dates when their terms expire.

Which resolution was adopted.

Mr. Reeve offered the following resolution :

WHEREAS, Some of the Senators being already provided with copies of the statutes, and the Librarian has procured copies for all the members, a portion of whom have not received them ; therefore,

Resolved, That the Librarian be and is hereby requested to report to the Secretary of the Senate, who shall lay the same before the president for the action of the Senate, the number of copies of the statutes furnished to members of the Senate, the list of members who have receipted for them, and the price to be paid for the same per copy.

Which was adopted.

Mr. Viehe offered the following resolution :

Resolved, That a committee of three be appointed to ascertain

where and at what price rooms for the use of the committees can be obtained, and report to the Senate as soon as practicable.

Which was adopted.

Mr. Woods introduced Senate Bill No. 26, entitled "A bill to declare all patents issued by the Governor of the State of Indiana and the record thereof, and all patents that may be hereafter issued by the Governor of the State of Indiana and the record thereof, which convey swamp lands in any county in this State, or a certified copy of the record thereof, as evidence of title to any swamp land therein described, and all swamp land patents heretofore issued and not recorded, and all that may be hereafter issued by the Governor of this State for any swamp land, shall be recorded in the record of deeds in the recorder's office in any county in this State where the swamp lands therein described lies."

Read the first time and referred to the committee on the judiciary.

Mr. Winterbotham introduced Senate Bill No. 27, entitled "An act to provide for the government and discipline of the State prisons, and to repeal an act to provide for the government and discipline of the State prisons, approved February 5, 1857, and all other laws and parts of laws inconsistent herewith."

Read the first time and referred to the committee on State prisons.

Senator Davenport introduced Senate Bill No. 28, entitled "An act providing for the liability of married women on their contracts and obligations as dealers or merchants, and for work and improvements on their real estate."

Which was referred to the committee on the judiciary.

Senator Shirk introduced Senate Bill No. 29, entitled "An act to amend section 8 of an act approved March 8, 1873, entitled an act to amend an act entitled an act to provide for a general system of common schools, the officers thereof, and their respective powers and duties, and matters properly connected therewith, and prescribing the fees for certain officers therein named, and for the establishment and regulation of township libraries, and to repeal all laws inconsistent therewith, providing penalties therein prescribed, approved March 6, 1865, and adding supplemental section thereto."

Which was referred to the committee on the judiciary.

Mr. Weir introduced Senate Bill No. 30, entitled "An act to authorize guardians to settle the estates of deceased wards."

Read the first time and referred to the committee on the judiciary.

Mr. Foster introduced Senate Bill No. 31, entitled "An act regulating the interest upon the loan or forbearance of money, goods or things in action, and to provide for recoupment of usurious interest, and to repeal an act entitled an act regulating interest on money, approved March 7, 1861; also, an act concerning interest on money, and to provide for recoupment of usurious interest, approved March 9, 1867; also, an act regulating interest on judgments, approved February 5, 1873."

Read the first time and referred to the committee on the judiciary.

Mr. Viehe introduced Senate Bill No. 32, entitled "A bill for an act to allow the judiciary committees of the Senate and House of Representatives of the State of Indiana each a separate clerk especially for the business before them, repealing all conflicting acts, and declaring an emergency."

Read the first time.

Mr. Viehe moved that the constitutional rule be suspended, the bill read the second time by title, the third time by sections, and put on its passage now.

A constitutional rule requiring the ayes and noes they were taken with the following result:

Those who voted in the affirmative were: Senators Briscoe, Cadwallader, Comstock, Davenport, Davis, Garrigus, Grubbs, Harris, Hart, Hefron, Heilman, Kahlo, Langdon, Leeper, Mercer, Olds, Poindexter, Reeve, Sarnighausen, Shaffer, Shirk, Smith, Taylor, Traylor, Urmstan, Viehe, Weir, Wilson, Winterbotham, Wood and Woollen—31.

Those who voted in the negative were: Senators Burrell, Coffey, Foster, Kramer, Major, Peterson, Ragan, Reiley, Tarlton and Trusler—10.

The motion to suspend the constitutional rule did not prevail.

Mr. Fowler asked and obtained leave of absence.

Mr. Reeve moved to reconsider the vote just taken.

Which was agreed to.

The question recurring on the motion to suspend the constitutional rule, and the constitution requiring the ayes and noes, they were ordered, and being taken resulted as follows:

Those who voted in the affirmative were: Senators Briscoe, Cadwallader, Comstock, Davenport, Davis, Garrigus, Grubbs, Harris,

Hart, Heffron, Heilman, Kahlo, Kent, Langdon, Leeper, Menzies, Mercer, Poindexter, Reeve, Sarnighausen, Shaffer, Shirk, Smith, Taylor, Traylor, Treat, Urmstan, Viehe, Weir, Wilson, Winterbotham, Wood and Woollen—33.

Those who voted in the negative were: Senators Burrell, Coffey, Dice, Donham, Foster, Kramer, Major, Olds, Peterson, Ragan, Reiley, Tarlton and Trusler—13.

The motion was rejected.

Mr. Comstock introduced Senate Bill No. 33, entitled "An act to amend section 1 of an act entitled an act to provide for township elections and repealing laws inconsistent therewith, approved March 3, 1877, and declaring an emergency."

Read the first time and referred to the committee on elections.

Mr. Grubbs introduced Senate Bill No. 34, entitled "An act providing for voluntary assignments of real and personal property in trust for the benefit of creditors by insolvents, and regulating the mode of administering the same; prescribing in what manner and in what cases a discharge may be granted to such insolvent, and repealing all laws in conflict with the provisions of this act."

Read the first time and referred to the committee on the judiciary.

Mr. Woollen introduced Senate Bill No. 35, entitled "An act to divide the State of Indiana into congressional districts."

Read the first time.

Mr. Kent moved that the bill be referred to a special committee of one from each congressional district, to be appointed by the President of the Senate.

Which was agreed to.

Mr. Olds introduced Senate Bill No. 36, entitled "An act to exempt from sale in certain cases."

Read the first time and referred to the committee on the judiciary.

Mr. Weir introduced Senate Bill No. 37, entitled "An act to enable the board of commissioners of the several counties of the State of Indiana to dispose of all allowances made and orders drawn upon the county treasury of their respective counties when said allowances and orders have remained uncalled for for the period of five years or more."

Read the first time and referred to the committee on finance.

On motion of Mr. Cadwallader, the Senate adjourned.

AFTERNOON SESSION.

JANUARY 13, 1879.

The Senate reassembled, with the President in the chair.

Mr. Trusler introduced Senate Bill No. 38, entitled "An act to regulate the advertising and letting of contracts for the building and repair of bridges."

Read the first time and referred to the committee on roads.

Mr. Shaffer introduced Senate Bill No. 39, entitled "An act relative to changing of proposed lines and termini of railroads."

Read the first time and referred to the committee on railroads.

Mr. Kent introduced Senate Bill No. 40, entitled "An act to amend section 1 of an act entitled an act to exempt property from sale in certain cases, approved February 17, 1852."

Read the first time and referred to the committee on rights and privileges.

Mr. Davenport introduced Senate Bill No. 41, entitled "A bill to reduce the fees and salaries and compensations of clerks of the circuit courts, county auditors, treasurers, recorders and sheriffs, and declaring an emergency."

Read the first time and referred to the committee on fees and salaries.

Mr. Moore introduced Senate Bill No. 42, entitled "An act for the protection of execution plaintiffs when purchasers at sheriff's sales."

Read the first time and referred to the committee on the judiciary.

Mr. Kahlo introduced Senate Bill No. 43, entitled "An act to exempt the wages of laborers from garnishment and proceedings supplemental to execution in certain cases."

Read the first time and referred to the committee on railroads.

Mr. Peterson introduced Senate Bill No. 44, entitled "An act to empower cities and incorporated towns in this State to charge and collect a license fee from all keepers of saloons where intoxicating and malt liquors are sold, and all venders thereof, and the same to be used and expended as other funds of said cities and towns, and prescribing penalties," etc.

Read the first time and referred to the committee on temperance.

Mr. Peterson introduced Senate Bill No. 45, entitled "An act requiring township trustees to levy taxes for one fund for the use and benefit of another fund where money has been taken from one fund and used for the benefit of another fund, and for the relief of township trustees in certain cases."

Read the first time and referred to the committee on county and township business.

Mr. Shirk introduced Senate Bill No. 46, entitled "An act regulating interest on money, and to repeal all laws in conflict with the same, and declaring an emergency."

Read the first time and referred to the committee on the judiciary.

Mr. Weir introduced Senate Bill No. 47, entitled "An act to amend section 12 of an act entitled an act to enable the owners of wet lands to drain and reclaim them when the same can not be done without affecting the lands of others, prescribing the powers and duties of county boards and other officers in the premises, and to provide for the repair of such drains, approved March 9, 1875."

Read the first time and referred to the committee on agriculture.

Mr. Kramer introduced Senate bill No. 48, entitled "An act to protect the people of Indiana from empiricism and imposition in the practice of medicines and surgery; providing for the appointment of a board of examiners in each county of the State; specifying the qualifications of practitioners of medicine and surgery within the limits of the State, and providing penalties for the violation of this act."

Read the first time and referred to a special committee, of which Mr. Sarnighausen was chairman.

Mr. Poindexter introduced Senate Bill No. 49, entitled "An act to prevent the running at large of domestic animals, and providing for the recovery of damages from the owners of animals, and repealing all acts in conflict therewith."

Read the first time and referred to the committee on agriculture.

Mr. Viehe introduced Senate Bill No. 50, entitled "An act to amend section 30 of an act entitled an act providing for the election and qualification of justices of the peace, and defining their jurisdiction, powers and duties in civil cases, approved June 9, 1852."

Read the first time and referred to the committee on the judiciary.

Mr. Traylor introduced Senate Bill No. 51, entitled "An act fixing the time of holding circuit courts in the eleventh judicial cir-

“suit of the State of Indiana, prescribing the length of terms thereof, and repealing all laws in conflict herewith, and declaring an emergency.”

Mr. Traylor moved that the constitutional rule requiring bills to be read upon three several days be suspended, the bill read the second time by title, considered engrossed, read the third time by sections now, and put upon its passage.

The question being upon the suspension of the rules, the ayes and noes being called, resulted as follows:

Those who voted in the affirmative were: Senators Briscoe, Cadwallader, Coffey, Comstock, Davenport, Davis, Dice, Donham, Foster, Harris, Hart, Heilman, Kahlo, Kent, Kramer, Langdon, Leeper, Major, Menzies, Mercer, Moore, Peterson, Poindexter, Reeve, Reiley, Sarnighausen, Shaffer, Smith, Tarlton, Taylor, Traylor, Treat, Trusler, Urmstan, Viehe, Weir, Wilson, Wood and Woollen—39.

Those who voted in the negative were: Senators Burrell, Grubbs, Olds, Ragan, Shirk, Streight and Winterbotham—7. .

The question now being, shall the bill pass, and a constitutional provision requiring the ayes and noes, they were ordered and taken, and resulted as follows:

Those who voted in the affirmative were: Senators Briscoe, Burrell, Cadwallader, Coffey, Comstock, Davenport, Davis, Dice, Donham, Foster, Garrigus, Grubbs, Harris, Hart, Heilman, Kahlo, Kent, Kramer, Langdon, Major, Menzies, Mercer, Moore, Olds, Peterson, Poindexter, Ragan, Reiley, Sarnighausen, Shaffer, Shirk, Smith, Streight, Tarlton, Taylor, Traylor, Treat, Trusler, Urmstan, Viehe, Weir, Wilson, Winterbotham, Wood and Woollen—45.

No one voting in the negative.

The bill passed.

Mr. Coffey introduced Senate Bill No. 52, entitled “An act to repeal an act entitled an act to provide for struck juries in the circuit and common pleas courts, approved March 9, 1861.”

Read the first time and referred to the committee on the judiciary.

Mr. Woollen introduced Senate bill No. 53, entitled “An act amending section 94 of an act to provide for uniform assessment of property and for the collection and return of taxes thereon, approved December 21, 1872.”

Read the first time and referred to the committee on county and township business.

Mr. Winterbotham introduced Senate Bill No. 54, entitled "An act to fix the number of Senators and Representatives to the General Assembly of the State of Indiana, and to apportion the same among the several counties of the State."

Read the first time and laid on the table for the present.

Mr. Garrigus introduced Senate Bill No. 55, entitled "An act to legalize the incorporation of the Kokomo Building Loan Fund and Savings Association of Kokomo, Indiana, and to legalize all the acts of said association, and all contracts made by and with said association, and declaring an emergency."

Read the first time and referred to the committee on corporations.

Mr. Kahlo introduced Senate Bill No. 56, entitled "An act to amend sections 175 and 176 of an act entitled an act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice without distinction between law and equity, approved June 18, 1852."

Read the first time and referred to the committee on railroads.

Mr. Harris introduced Senate Bill No. 57, entitled "An act concerning work houses."

Read the first time and referred to the committee on the judiciary.

Mr. Harris introduced Senate Bill No. 58, entitled "A bill for an act concerning persons in jail."

Read the first time and referred to the committee on the judiciary.

Mr. Grubbs introduced Senate Bill No. 59, entitled "An act to amend the 22d section of an act entitled an act for the incorporation of towns, defining their powers, providing for the election of the officers thereof and declaring their duties, approved June 11, 1852."

Read the first time and referred to the committee on the judiciary.

Mr. Wilson introduced Senate Bill No. 60, entitled "An act to amend sections 6, 7, 44 and 45 of an act entitled an act to divide the State into circuits for judicial purposes, fixing the time of holding courts therein, abolishing the courts of common pleas and transferring the business thereof to the circuit courts, and providing for the election of judges and prosecuting attorneys in certain cases,

approved March 6, 1873, and providing for the transaction of business in the judicial circuits created by this act."

Read the first time and referred to the committee on the organization of courts.

Mr. Coffey introduced Senate Bill No. 61, entitled "An act to amend section 4 of an act entitled an act providing for the election of county sheriffs and prescribing some of their duties, approved June 7, 1852."

Read the first time and referred to the committee on the organization of courts.

Mr. Comstock introduced Senate Bill No. 62, entitled "An act to amend section 2 of an act entitled an act to amend section 2 of an act entitled an act to secure dues from private corporations, and to extend their immunities to all citizens who may organize on the same terms, approved March 13, 1875."

Read the first time and referred to the committee on the judiciary.

Mr. Davenport introduced Senate Bill No. 63, entitled "An act supplemental to an act entitled an act to exempt property from sale in certain cases."

Read the first time and referred to the committee on the judiciary.

Mr. Langdon introduced Senate Bill No. 64, entitled "An act to amend section 1 of an act entitled an act for the prevention of frauds and perjuries, and requiring certain contracts to be in writing, and declaring certain conveyances, assignments, contracts and mortgages void, approved June 9, 1852."

Read the first time and referred to the committee on the judiciary.

The following message was received from the Governor:

STATE OF INDIANA, GOVERNOR'S OFFICE, ROOM 57,
INDIANAPOLIS, January 13, 1879.

To the President of the Senate:

SIR:—During the session of the General Assembly I will be in waiting at this place to receive any communication which the Senate may desire to make to me, and to confer with any of the committees or individual members, except during the morning hours, when occupied with business at my rooms in the State building, or unavoidably detained by other engagements.

Respectfully,

JAMES D. WILLIAMS,
Governor.

The following report was received from a special committee:
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MR. PRESIDENT:

We, the undersigned committee, appointed for the purpose of securing the services of a minister to open our daily sessions with prayer, would make the following partial report:

We have secured the services of Rev. W. B. Treat for Tuesday morning, January 14, 1879; and that for the remainder of the week we have secured the services of the Rev. William A. Bartlett. We ask time for further report.

Respectfully,

B. H. BURRELL,
A. C. HARRIS,
Committee.

The Lieutenant-Governor appointed as committee on rules Messrs. Taylor and Heffron.

On motion of Mr. Sarnighausen, the Senate adjourned.

(Approved.)

ISAAC P. GRAY,
President of the Senate.

TUESDAY MORNING.

JANUARY 14, 1879.

The Senate met at 10 o'clock, with Lieutenant-Governor Gray in the chair, and was opened with prayer by W. F. B. Treat, Senator from the counties of Monroe and Lawrence.

The journal of yesterday was read and approved.

Mr. Reeve, chairman of the committee on the judiciary, made the following report:

MR. PRESIDENT:

The committee on the judiciary, to whom was referred Senate bill No. 32, providing for allowing a separate clerk to the committee on the judiciary, have had the same under consideration, and have unanimously instructed me to report the same back to the Senate and recommend its passage.

Mr. Sarnighausen introduced the following resolution:

Resolved, That the State Librarian be and is hereby instructed to lay upon desks of Senators a copy of the reports of the State officers, for the year ending October 31, 1877.

Which was adopted.

Mr. Harris offered the following resolution :

Resolved, That the Secretary of State be and he is hereby requested to inform the Senate what interest, if any, the State has in the certain lot in the south part of Marion county, Indiana, now occupied by Mrs. Catharine Christian, and, if the State has any interest in or claim against said property, why the same is not enforced.

Which was agreed to.

Mr. Comstock offered the following resolution :

Resolved, That until the committee on rules report, that the Secretary of the Senate shall call the roll by districts for the introduction of bills.

Which was agreed to.

Mr. Davenport introduced the following resolution :

WHEREAS, Since the last session of the Senate it has pleased the Dispenser of life and death to remove from our midst the Hon. Charles Beardsley, late Senator from the county of Elkhart; and

WHEREAS, No testimonial of our high regard for the many excellent qualities which characterized our late colleague, or of our unfeigned grief for his loss, is of record ; therefore

Resolved, That a committee of five Senators be appointed by the President of this body, whose duty it shall be to prepare suitable resolutions of respect for the memory of the deceased, which shall be spread upon the Journal of the Senate, and a copy transmitted by the Secretary thereof to the family of the deceased.

Which resolution was adopted, and the President appointed as such committee, Senators Davenport, Weir, Harris, Hefron and Fowler.

Mr. Dice introduced the following resolution :

Resolved, That the committee on education be requested to furnish for the information of the Senate, the comparative cost of the management of the State University with Asbury University and Wabash College, with the view of making the appropriation to the State University in accordance therewith.

Which was agreed to.

Mr. Fowler offered the following resolution :

Resolved, That the Secretary of the State be and he is hereby requested to furnish the Senate with the nine enrolled amendments proposed to the constitution of the State and passed by the last General Assembly.

Which was agreed to.

Mr. Taylor offered the following Joint Resolution No. 2, entitled "A Joint Resolution appointing a commission to ascertain what amount of money has been realized as the proceeds of swamp lands lying within Tipton county; what disposition has been made of such funds, and what liability if any therefor exists against the State."

Read the first time and referred to the committee on swamp lands.

Mr. Cadwallader moved that two hundred copies of Senate Bill No. 27 be printed.

Which was agreed to.

Mr. Garrigus moved that the vote by which Mr. Comstock's resolution was passed be reconsidered.

Which was agreed to.

Mr. Reeve moved to lay the resolution on the table.

Which was agreed to.

On motion of Mr. Sarnighausen the Senate resolved itself into a committee of the whole, Mr. Hebron in the chair, for the consideration of the Governor's message.

After some time spent therein, the committee rose and reported progress as follows:

Resolved, That so much in the Governor's message as refers to the State finances, be referred to the committee on finance; so much as refers to the judicial system, to the committee on the organization of courts; so much as refers to the benevolent and reformatory institutions, to the committee on benevolent and reformatory institutions; so much as refers to the establishment of a board of pardons and to expert evidence, to the committee on the judiciary; so much as refers to education, to the committee on education; so much as refers to the new State House and library, to the committee on public buildings and library; so much as refers to the militia, to the committee on military affairs; so much as refers to agriculture and horticulture, to the committee on agriculture.

Which was agreed to.

Mr. Grubbs introduced Senate Bill No. 65, entitled "An act defining libel, and to prevent the publication thereof."

Read the first time and referred to the committee on the judiciary.

Mr. Reeve introduced Senate Bill No. 66, entitled "An act to provide for more speedy and efficient discharge of the labor and business in the supreme court, and enable the judges thereof to devote more time to the consideration of legal questions and relieve them of the mere clerky labor now required of them in the discharge of their duties, by providing clerks for said judges, and fixing compensation for such clerks, and other matters connected therewith."

Read the first time and referred to the committee on the judiciary.

Mr. Menzies introduced Senate Bill No. 67, entitled "An act to restrain certain animals therein named from running at large, providing penalties for violation of its provisions, providing civil remedies, allowing certain officers fees for taking up such animals and continuing the liability of railroad or railway companies."

Read the first time and referred to the committee on agriculture.

Mr. Major introduced Senate Bill No. 68, entitled "An act concerning interest on money."

Read the first time and referred to the committee on the judiciary.

Mr. Shirk introduced Senate Bill No. 69, entitled "An act for the organization and support of an asylum for feeble-minded children."

Read the first time and referred to the committee on benevolent institutions.

Mr. Briscoe introduced Senate Bill No. 70, entitled "An act to amend section 1 of an act entitled an act providing for the redemption of real property or any interest therein sold on execution or order of sale, and providing for the issuing certificates of purchase in such cases and for execution of conveyances, and repealing all laws in conflict herewith, approved June 4, 1861."

Read the first time and referred to the committee on the judiciary.

Mr. Leeper introduced Senate Bill No. 71, entitled "An act authorizing justices of the peace to require additional replevin bail in cases where insufficient bail has been taken, and where the replevin bail has become insufficient to secure the payment of the judgment."

Read the first time and referred to the committee on the organization of courts.

Mr. Hart introduced Senate Bill No. 72, entitled "An act to legalize the official acts of the board of trustees of the town of Boonville, and all other officers of said corporation."

Read the first time and referred to the committee on corporations.

Mr. Moore introduced Senate Bill No. 73, entitled "An act to declare that aliens may take by descent or devise real and personal property the same as natives, and to repeal conflicting laws."

Read the first time and referred to the committee on the judiciary.

Mr. Fowler introduced Senate Bill No. 74, entitled "An act regulating the working of coal mines and declaring a lien upon the works and machinery for work and labor in mining coal, and for the royalty on coal, and providing penalties for the violation thereof, providing for the appointment and qualification of mine inspector and prescribing his duties, and declaring an emergency."

Read the first time and referred to the committee on mines.

Mr. Wood introduced Senate Bill No. 75, entitled "An act to enable purchasers at sheriffs' sales, commissioners', executors', administrators' and guardians' sales of real estate in this State, and holders of mortgages, judgment creditors and subsequent purchasers, to perfect the second title of the same, and to make the same evidence of title."

Read the first time and referred to the committee on the judiciary.

Mr. Foster introduced Senate Bill No. 76, entitled "An act to amend sections 81 and 82 of an act entitled an act to revise, simplify and abridge the rules, practice, pleadings and forms in criminal actions in the courts of this State, approved June 17, 1852."

Read the first time and referred to the committee on the judiciary.

Mr. Cadwallader introduced Senate Bill No. 77, entitled "An act to amend section 354 of an act entitled an act to revise, simplify and abridge the rules of practice, pleadings and forms in civil cases in the courts of this State; to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity, approved June 18, 1852."

Read the first time and referred to the committee on the judiciary.

Mr. Shirk introduced Senate Bill No. 78, entitled "An act to amend section 344 of an act entitled an act to revise, simplify and abridge the rules and practice of pleadings and forms in civil cases in the courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity, approved June 18, 1852."

Read the first time and referred to the committee on the judiciary.

On motion the Senate adjourned until 2 o'clock P. M.

AFTERNOON SESSION.

JANUARY 14, 1879.

The Senate reassembled at 2 o'clock.

Mr. Ragan, from the committee on mileage of Senators, reported as follows:

MR. PRESIDENT:

The committee on mileage and accounts find that the members of the Senate are entitled to mileage as follows:

Benz.....	380 miles.
Briscoe.....	142 miles.
Burrell.....	140 miles.
Cadwallader.....	170 miles.
Coffey.....	122 miles.
Comstock.....	136 miles.
Davenport.....	300 miles.
Davis.....	202 miles.
Dice.....	144 miles.
Donham.....	178 miles.
Foster.....	250 miles.
Fowler.....	106 miles.
Garrigus.....	108 miles.
Grubbs.....	60 miles.
Harris.....	— miles.
Hart.....	400 miles.
Hefron.....	300 miles.
Heilman.....	364 miles.
Kahlo.....	154 miles.
Kent.....	104 miles.
Kramer.....	444 miles.
Langdon.....	128 miles.
Leeper.....	350 miles.
Major.....	204 miles.
Menzies.....	404 miles.
Mercer.....	292 miles.
Moore.....	94 miles.
Olds.....	258 miles.
Peterson.....	114 miles.
Poindexter.....	204 miles.

Ragan.....	40 miles.
Reeves	236 miles.
Reiley.....	134 miles.
Sarnighausen	238 miles.
Shaffer.....	214 miles.
Shirk.....	132 miles.
Smith	106 miles.
Streight	— miles.
Tarlton.....	42 miles.
Taylor.....	78 miles.
Traylor.....	308 miles.
Treat.....	120 miles.
Trusler.....	138 miles.
Urmstan.....	164 miles.
Viehe.....	234 miles.
Weir.....	330 miles.
Wood	304 miles.
Woollen.....	212 miles.
Wilson.....	172 miles.
Winterbotham.....	322 miles.
Mr. President (Lieutenant-Governor Gray).....	170 miles.

Mr. Reeve moved that the report be amended by substituting 220 for 164 where it relates to the mileage of the Senator from Franklin—Urmstan.

Which was agreed to.

The report as amended was adopted.

Mr. Reeve moved that the proposed amendment to the constitution, made the special order for this hour, be read the first time now, the second time to-morrow at 10 o'clock, and the third time the day following.

Which was agreed to.

Mr. Harris moved that the Secretary of the Senate be sent to the Secretary of State's office to obtain enrolled copies of the proposed amendments to the constitution, and that the special order be continued in force.

Which was agreed to.

Mr. Reeve introduced Senate Bill No. 79, entitled "An act to secure more efficient work and material in performance of contracts for public works, and to prohibit officials from being in any manner

interested therein, others than as an official, prescribing penalties for violations of its provisions, and declaring certain persons ineligible to state offices, and declaring an emergency and other matters connected with public works."

Read the first time and referred to the committee on the judiciary.

Mr. Kramer introduced Senate Bill No. 80, entitled "An act abolishing certain offices in cities and incorporated towns in the State of Indiana, providing for the transaction of the public business pertaining thereto, and providing for the election of marshals in incorporated towns, repealing all laws and parts of laws in conflict with the provisions of this act."

Read the first time and referred to the committee on county and township business.

Mr. Trusler introduced Senate Bill No. 81, entitled "An act relating to the rights of married women and matters properly connected therewith."

Read the first time and referred to the committee on the judiciary.

Mr. Davenport introduced Senate Bill No. 82, entitled "An act to amend section 17 of an act entitled an act fixing the fees, salaries, duties and compensation of the officers and persons named therein, prohibiting the violation of its provisions, and repealing certain laws, approved March 12, 1875."

Read the first time and referred to the committee on the judiciary.

The Lieutenant-Governor appointed as a committee to procure rooms suitable for the committees: Messrs. Viehe, Langdon and Cadwallader; and said committee asked and obtained leave of absence for the purpose of discharging the duties assigned it.

Mr. Leeper introduced Senate bill No. 83, entitled "An act to amend section 9 of an act entitled an act providing for the election and qualification of justices of the peace, and defining their powers and duties in civil cases, approved June 9, 1852."

Read the first time and referred to the committee on the organization of courts.

Mr. Foster introduced Senate Bill No. 84, entitled "An act regulating the practice of medicine and surgery, defining the qualifications for service therein, and prescribing penalties for violation thereof."

Read the first time and referred to a special committee on that subject.

Mr. Fowler introduced Senate Bill No. 85, entitled "An act to establish probate courts in all the counties of this State, to define the jurisdiction thereof and regulate the practice therein, to provide compensation for the judges and fix the time of holding said courts.

Read the first time and referred to the committee on the organization of courts.

Mr. Garrigus introduced Senate Bill No. 86, entitled "An act to amend the ninth section of an act entitled an act to amend an act entitled an act to provide for a general system of common schools, the officers thereof, and their respective powers and duties and matters properly connected therewith, and prescribing the fees for certain officers therein named, and for the establishment and regulation of township libraries, and to repeal all laws inconsistent therewith, providing penalties therein prescribed, approved March 6, 1865, approved March 8, 1873, and declaring an emergency."

Read the first time and referred to the committee on education.

Mr. Olds introduced Senate Bill No. 87, entitled "An act requiring the township, town and city assessors to make an enumeration of children, white and colored, within their respective townships, towns and cities, between the ages of six and twenty-one years, exclusive of married persons, for school purposes, prescribing the duties of township trustees, boards of school trustees of towns and cities in regard thereto, and fixing the fees of such assessors for such services and other matters properly connected therewith, and to repeal section 14 of an act to provide for a general system of common schools, the officers thereof, and their respective powers and duties and matters properly connected therewith, and prescribing the fees for certain officers therein named, and for the establishment and regulation of township libraries, and to repeal all laws inconsistent therewith, providing penalties therein prescribed, approved March 6, 1865."

Read the first time and referred to the committee on education.

Mr. Comstock introduced Senate Bill No. 88, entitled "An act establishing probate courts, defining their jurisdiction, duties and powers, providing for the appointment, election and compensation of the judge thereof, requiring the county commissioners to do certain things in aid of said courts, directing the transfer from other courts

of certain business pending therein to said probate courts, and repealing all laws inconsistent therewith, and declaring an emergency."

Mr. Reeve moved that two hundred copies of the bill be printed. Which was agreed to.

Mr. Winterbotham introduced Senate Bill No. 89, entitled "An act repealing an act entitled an act to provide for the organization of savings banks, and the safe and proper management of their affairs, approved May 12, 1869."

Read the first time and referred to the committee on banks.

Mr. Ragan introduced Senate Bill No. 90, entitled "An act to define what shall be the salary of the Governor, the manner of paying the same, repealing all former laws upon the same subject, and fixing the time when it shall take effect."

Read the first time and referred to the committee on fees and salaries.

Mr. Moore introduced Senate Bill No. 91, entitled "An act to amend section 455 of an act entitled an act to revise, simplify and abridge the rules of practice and pleadings and forms in civil cases in the courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice without distinction between law and equity, approved June 18, 1853."

Read the first time and referred to the committee on the judiciary.

The Lieutenant-Governor announced that the proposed constitutional amendments passed by the last General Assembly have been placed in his hands.

Mr. Reeve moved that it be entered on the Journal that the Secretary of State produces and lays before the Senate enrolled copies of the proposed constitutional amendments for their action.

Which was agreed to.

On motion of Mr. Harris it was ordered that they be read in their numerical order.

Which was agreed to.

Joint Resolution No. 1. Senate Joint Resolution amending section 2 of article 2 of the constitution, and prescribing the qualification of voters.

Resolved by the Senate (the House of Representatives concurring therein), That the following amendment be and is hereby proposed to the constitution of the State of Indiana, to-wit:

Amend section 2 of article 2 so as to read as follows:

Section 2. In all elections not otherwise provided for by this constitution, every male citizen of the United States of the age of twenty-one years and upward, who shall have resided in the State during the six months, and in the township sixty days, and in the ward or precinct thirty days immediately preceding such election, and every male of foreign birth, of the age of twenty-one years and upwards who shall have resided in the United States one year, and shall have resided in the State during the six months, and in the township sixty days, and in the ward or precinct thirty days immediately preceding said election, and shall have declared his intention to become a citizen of the United States conformably to the laws of the United States on the subject of naturalization, shall be entitled to vote in the township or precinct where he may reside, if he shall have been duly registered according to law.

Resolved, That in submitting this proposition to the electors to be voted upon, it shall be designated as "Amendment No. 1."

JOHN OVERMYER,

Speaker of the House of Representatives.

ISAAC P. GRAY,

President of the Senate.

Originated in the Senate.

THOMAS B. BUCHANAN,

Principal Secretary of the Senate.

Joint Resolution No. 2. A joint resolution proposing amendment to section 5 of article second of the constitution:

Resolved by the Senate (the House of Representatives concurring therein), That the constitution of the State of Indiana be amended as follows: By striking out the words, "No negro or mulatto shall have the right of suffrage," contained in said section 5 of the second article of the constitution.

Resolved, That in submitting this amendment to the electors of the State to be voted on, it shall be designated as "Amendment No. 2."

JOHN OVERMYER,

Speaker of the House of Representatives.

ISAAC P. GRAY,

President of the Senate.

Originated in the Senate.

T. B. BUCHANAN,

Principal Secretary of the Senate.

Enrolled Joint Resolution No. 3. A joint resolution proposing amendment to section 14 of article 2 of the constitution:

Resolved by the Senate (the House of Representatives concurring therein), That the following amendment to the constitution of the State of Indiana be and the same is hereby proposed, to-wit: Amend section 14 of the second article to read: "Section 14. All general elections shall be held on the first Tuesday after the first Monday in November, but township elections may be held at such times as may be provided by law; *Provided*, That the General Assembly may provide by law for the election of all judges of courts of general and appellate jurisdiction, by an election to be held for such officers only, at which time no other officer shall be voted for; and shall also provide for the registration of all persons entitled to vote."

Resolved, That in submitting this amendment to the electors of the State to be voted on, it shall be designated as "Amendment No. 3."

JOHN OVERMYER,
Speaker of the House of Representatives.

ISAAC P. GRAY,
President of the Senate.

Originated in the Senate.

THOMAS B. BUCHANAN,
Principal Secretary of the Senate.

Enrolled Joint Resolution No. 4. A joint resolution proposing amendment to sections 4 and 5 of article 4 of the constitution:

Resolved by the Senate (the House of Representatives concurring therein), That the constitution of the State of Indiana be amended as follows: Strike out the word "white" from sections 4 and 5 of article 4.

Resolved, That in submitting this amendment to the electors of the State to be voted on it shall be designated as "Amendment No. 4."

JOHN OVERMYER,
Speaker of the House of Representatives.

ISAAC P. GRAY,
President of the Senate.

Originated in the Senate.

THOMAS B. BUCHANAN,
Principal Secretary of the Senate.

Enrolled Joint Resolution No. 5. A joint resolution proposing amendment to the fourteenth clause of section 22 of article 4 of the constitution.

Resolved by the Senate (the House of Representatives concurring therein), That the following amendment to the constitution of the State of Indiana is proposed, to-wit:

Amend the fourteenth clause of section 22 of article 4, to read as follows: In relation to fees and salaries, except that the laws may be so made as to grade the compensation of officers in proportion to the population and the necessary services required.

Resolved, That in the submission of this amendment to the electors of the State to be voted on, it shall be designated as "Amendment No. 5."

JOHN OVERMYER,
Speaker of the House of Representatives.
ISAAC P. GRAY,
President of the Senate.

Originated in the Senate.

THOMAS B. BUCHANAN,
Principal Secretary of the Senate.

Enrolled Joint Resolution No. 6. A joint resolution proposing amendment to section 1 of article 7 of the constitution.

Resolved by the Senate (the House of Representatives concurring therein), That the following amendment is proposed to the constitution of the State of Indiana, to-wit:

Amend section 1 of article 7 to read:

Section 1. The judicial power of the State shall be vested in a supreme court, circuit courts and such other courts as the General Assembly may establish.

Resolved, That in the submission of this amendment to the electors of the State to be voted on it shall be designated as "Amendment No. 6."

JOHN OVERMYER,
Speaker of the House of Representatives.
ISAAC P. GRAY,
President of the Senate.

Originated in the Senate.

THOMAS B. BUCHANAN,
Principal Secretary of the Senate.

Enrolled Joint Resolution No. 7.

Resolved by the Senate (the House of Representatives concurring therein), That the second section of the seventh article of the constitution of the State of Indiana be amended to read as follows:

Sec. 2. The supreme court shall consist of not less than five nor more than seven judges, a majority of whom shall form a quorum. They shall hold their offices for six years if they shall so long behave well: *Provided*, That the judges elected at the first election after the taking effect of this amendment shall be divided by lot into three classes, as nearly as may be, the fraction being in the last class, and the seats of the first class shall be vacated at the expiration of two years; those of the second class at the expiration of four years; the third class at the expiration of six years, so that one-third thereof, as nearly as may be, shall be chosen every two years thereafter.

Resolved, That in submitting this amendment to the electors of the State to be voted on it shall be designated as "Amendment No. 7."

JOHN OVERMYER,

Speaker of the House of Representatives.

ISAAC P. GRAY,

President of the Senate.

Originated in the Senate.

THOMAS B. BUCHANAN,

Principal Secretary of the Senate.

Enrolled Joint Resolution No. 9.

Resolved by the Senate (the House of Representatives concurring therein), That the constitution of the State of Indiana be amended as follows:

First. Strike out all the sections of the thirteenth article, and in lieu thereof insert the following:

Section 1. No political or municipal corporation in this State shall ever become indebted in any manner, or for any purpose, to an amount in the aggregate exceeding two per centum on the value of taxable property within such corporation, to be ascertained by the last assessment for State and county taxes, previous to the incurring of such indebtedness, and all bonds or obligations in excess of such amount, given by such corporation, shall be void. *Provided*, That in time of war, foreign invasion, or other great public calamity, on petition of a majority of the property owners, in number and value, within the limits of such corporation, the public authorities, in their discretion, may incur obligations necessary for the public

protection and defense, to such amount as may be requested in such petition. —

Resolved, In submitting this amendment to the electors of the State to be voted on, it shall be designated as "Amendment No. 9."

JOHN OVERMYER,

Speaker of the House of Representatives.

ISAAC P. GRAY,

President of the Senate.

Originated in the Senate.

THOMAS B. BUCHANAN,

Principal Secretary of the Senate.

Enrolled Joint Resolution No. 10.

Resolved by the Senate (the House of Representatives concurring therein), That the following amendment be and is hereby proposed to the constitution of the State of Indiana, to-wit:

Amend section 29 of article 4, to read as follows: The members of the General Assembly shall receive for their services a compensation to be fixed by law, but no increase of compensation shall take effect during the session at which such increase may be made. No session of the General Assembly shall extend beyond the term of one hundred and twenty-one days, nor any special session beyond the term of sixty days.

Resolved, That in submitting this amendment to the electors of the State to be voted on, it shall be designated as "Amendment No. 10."

JOHN OVERMYER,

Speaker of the House of Representatives.

ISAAC P. GRAY,

President of the Senate.

Originated in the Senate.

THOMAS B. BUCHANAN,

Principal Secretary of the Senate.

Mr. Wilson introduced Senate Bill No. 92, entitled "An act to define and suppress tippling houses, to regulate the sale, barter and giving away of spirituous and malt liquors, wine and other intoxicating liquors, to punish public exhibition of drunkenness, and to provide penalties for the violation of this act, and to repeal all laws inconsistent therewith, and to declare an emergency."

Read the first time and referred to the committee on temperance..

Mr. Ragan introduced Senate Bill No. 93, entitled "An act touching foreign corporations, and providing that certain acts thereof shall not work forfeitures."

Read the first time and referred to the committee on the judiciary.

Mr. Wood introduced Senate Bill No. 94, entitled "An act limiting the height of hedge fences along public highways and on the line between adjoining land owners, and prescribing penalties."

Read the first time and referred to the committee on agriculture.

Mr. Ragan introduced Senate Bill No. 95, entitled "An act in relation to foreign corporations, the rights, powers and duties thereof, and providing for forfeitures in certain cases, and defining certain felonies."

Read the first time and referred to the committee on the judiciary.

Mr. Garrigus introduced Senate Bill No. 96, entitled "An act to amend section 2 of an act entitled an act to fix the salaries of the judges of the supreme, circuit, superior and criminal courts of this State, and to provide for the time and manner of payment, approved March 10, 1873."

Read the first time and referred to the committee on fees and salaries.

Mr. Grubbs introduced Senate Bill No. 97, entitled "An act making the removing of the dead body of any deceased person from interment, without the consent of such deceased person, or his or her relatives, or by direction of the coroner, a felony, and providing a penalty therefor."

Read the first time, and referred to the special committee, of which Mr. Sarnighausen is chairman.

Mr. Davenport introduced Senate Bill No. 98, entitled "An act to amend section 51 of an act entitled an act providing for the election and qualification of justices of the peace, and defining their jurisdiction and duties in civil cases, approved January 9, 1852."

Read the first time and referred to the committee on the judiciary.

The following message was received from the House of Representatives by the Clerk thereof:

MR. PRESIDENT:

I am directed by the Speaker to inform the Senate that the House has passed joint resolution No. 12, entitled "A resolution soliciting
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the influence of the members of Congress from this State to place on the free list certain articles of medicine," and the same is herewith transmitted to the Senate.

Mr. Reeve introduced Senate Bill No. 99, entitled "An act to prevent clouding of titles to land, providing for satisfaction of record in case of transcript from justices' dockets filed in circuit or other court as a lien on land, and relating to certificates of sale and deeds therein in case of judicial and administrative sales, and other matters connected therewith, repealing conflicting acts, and declaring an emergency."

Read the first time and referred to the committee on the judiciary.

Mr. Urmstan moved that 150 copies of Senate Bill No. 85 be printed.

Which was agreed to.

Mr. Viehe, from the committee appointed to secure suitable committee rooms, announced their readiness to report.

On motion of Mr. Menzies, the committee were given until 10 o'clock to-morrow for further consideration.

The Senate adjourned.

(Approved.)

ISAAC P. GRAY,
President of the Senate.

WEDNESDAY MORNING.

JANUARY 15, 1879.

Senate met at 10 o'clock, President Gray in the chair.

Session opened with prayer by Rev. William A. Bartlett of the Second Presbyterian Church.

The Journal of yesterday was read and approved.

The chair laid before the Senate a communication from the Governor, as follows:

Gentlemen of the General Assembly:

At the request of members of the medical profession, I make you this special communication upon the subject of

THE PUBLIC HEALTH.

The American Medical Association, by Dr. Theophilus Parvin, its President, and William B. Atkinson, Permanent Secretary, has addressed me a communication showing that it is a national organization, and embraces all the leading physicians of all the States of the Union; that its recent meeting in Chicago numbered seven hundred and fifty delegates and members from twenty-eight States, and that in 1876, it was even larger; that at a meeting of the association held May 7, 1875, it was made the duty of the president and permanent secretary to appeal to the authorities of every State in which no State board of health exists, to establish such a board. The officers so instructed have laid before me the following facts:

First. Nineteen States have now such boards of health.

Second. Where funds have been granted for the publication of reports great good has been accomplished by arousing the whole community to a sense of the necessity for care about everything connected with the various homesteads in order to prevent the operation of causes tending to produce ill health in the community.

Third. Competent men, members of Legislatures, who have been as such, desirous of great economy in the disbursing of the public funds, have from their own experience acknowledged that funds so voted by the State authorities for such support have been more than repaid by the reforms brought about in various villages and towns, which reforms have mitigated or prevented diseases previously always existing at certain periods of the year.

Fourth. From some statistical data it is believed that many lives have thus been saved and wealth thus given to the State.

Two years ago my predecessor in office presented this subject and called attention to its importance. He said:

"For the present the cost need not be considered—perhaps not exceeding \$1,000 per annum—whilst the benefits may be made very great, the object of such a board would be to make intelligent inquiry into the causes affecting the health of the people in the different localities of the State, and to collect and utilize information on that subject, and to collect, arrange and preserve statistical information in relation to the effects of particular employments, conditions, habits, circumstances and local influences upon the general health. Many of the states have established such boards and with good results."

Shortly before your organization I received the report of the State Health Commission of the State of Indiana for 1878, submitted by

the president, secretary and other members of the board. In their letter of submission they say:

"Herewith we present to you the report of the Indiana State Health Commission, organized under the authority of the Indiana State Medical Society. We hope that you may be willing to transmit it to the General Assembly with your request that it be printed and distributed as a public document as the beginning of a plan of great state health work."

I take pleasure in transmitting the report, as requested, but as I have not presumed to ask of you the printing of communications and reports made by myself, and as the report is not made by any department of the state government I may with propriety omit any recommendation as to its publication. The high character of writers of the several papers will at once assure you of their merit, and obtain for them deserved publicity in such manner as your wisdom may suggest.

The topics treated are:

1. A history of the commission and an outline of its plan.
2. A plea for a state board of health.
3. What medical legislation is needed in Indiana.
4. Health in the school room.
5. Influence of geology on local diseases.
6. Topography and climate.
7. Decomposing organic matter, sewerage and drainage.
8. Food, drink, water and the water supply of the State.

Prudent legislation upon the subject can not be longer delayed. The recent dreadful visitation of yellow fever to some of our southern communities admonishes us to guard against like dangers, peculiar to our climate, which have in some localities wasted and destroyed our population with equal power and unsparing severity. It seems but the part of wisdom that we should use all means at our command to ascertain the effect of the soil and climate, the food and drink, and the poisons in earth and air, and also the habits of life of our people, upon the health and lives of the population.

The Secretary of State has for many years asked that he be afforded facilities for the collection of vital statistics. These you can easily provide by requiring the local officers of the government to collect and report to him annually the statistics of each county. The record of marriages kept by the clerk of the circuit court could be supplemented by reports of births and deaths. The eminent professional men already in the service of the State as commissioners, trustees and superintendents of the public institutions, could with

propriety be constituted, *ex officio*, a board of health for the assistance of the secretary in tabulating and formulating the information received by him, and in giving to the people the instruction obtainable from a comparison of the same at stated periods. I need not remind you that the people are not now prepared to approve the creation of additional officers requiring increased expenditure of the public funds. I concur in the timely words of the Governor of New York in concluding his recent communication to the legislature of that great State. He said:

"The laws which we enact do not express our will; they are the voice of the people. The money which we handle belongs to them and not to us. We can only take it from them for the legitimate expenses of government: more than this is robbery, official generosity is official crime. Every needless tax cuts some comfort from a thousand homes—it means less food, less fuel, less cheer to many families."

Nevertheless, as without health, life is a burden, and the gain of a livelihood scarcely possible, a reasonable provision for its care and supervision will doubtless be acceptable to the people, and its expenses cheerfully borne.

In his recent message the Governor of Illinois shows that the act establishing a state board of health in that state went into force July 1, 1877, that the board was soon after organized, and that the system of registration of births, marriages and deaths was inaugurated in 1878. The board contains representatives of the leading medical schools, and has so administered the medical practice act that more than five thousand persons practicing medicine in the state have complied with the requirements and received certificates, and that a number estimated at fourteen hundred, who had been practicing medicine and were unable to comply with the law, have left the State. In legislating upon a question involving the right of any person to practice his profession when qualified to do so, you will not forget that section 23 of our bill of rights, which declares that the General Assembly shall not grant to any citizen, or class of citizens, privileges or immunities which, upon the same terms, shall not equally belong to all citizens. Within this limitation you would not attempt to restrict the practice to any school of practitioners having the confidence of any portion of our citizens, however small.

I transmit a duplicate of this communication to each house. The

accompanying documents are laid before the House of Representatives.

JAMES D. WILLIAMS.

Governor's Office, January 14, 1879.

Mr. Reeve moved that the communication be referred to the committee on rights and privileges.

Which was agreed to.

The chair appointed a committee to inspect the Journal, consisting of Messrs. Grubbs, Tarleton, Viehe, Sarnighausen and Dice.

Mr. Viehe, from the committee to secure rooms suitable for committees, reported as follows:

MR. PRESIDENT:

Your committee, appointed for the purpose of securing rooms, respectfully report, that on yesterday the proprietors of the Bates House offered to your committee five suitable rooms on the third floor of the Bates House, for the session, for two hundred dollars. The proprietors of the Grand Hotel offered five rooms on the first floor for five hundred dollars, and five rooms on the third floor for three hundred dollars. On that morning the proprietors of the Grand Hotel offered three rooms on the first floor to be at the disposal of the committees during the session, and two additional rooms from time to time when needed, but in what part of his hotel he did not designate. For two hundred dollars each proprietor included heat, light, furniture and attendants.

Mr. Fowler moved to recommit the report with instructions to inquire further into the matter.

Mr. Reeve moved as an amendment, that the committee exercise their sound discretion in selecting and contracting for rooms.

Which was agreed to.

Mr. Ragan submitted the following:

OFFICE STATE LIBRARIAN,
INDIANAPOLIS, IND., January 15, 1879.

To Hon. Isaac P. Gray,

President of the State Senate:

SIR:—I desire to make the following supplemental report to the Senate concerning committee rooms, which, with the advice of the State House Commissioners, I caused to be prepared for Senate committees hereinafter named, for the purpose of further informing the

Senate of the terms agreed upon by the Librarian, State House Commissioners, and the County Commissioners of Marion county.

The following are the rooms heretofore designated and prepared for the committees named:

Room No. 84—Senate engrossing clerks.

Room No. 59—Senate enrolling clerks.

Room No. 79—Senate judiciary committee.

The County Commissioners aforesaid direct me to say to the Senate, that for the use of those rooms, including heating, lights and water for the Senate and House of Representatives, they will leave the matter of compensation therefor to the generosity of the General Assembly.

Respectfully submitted,

R. A. CONNER,
State Librarian.

The Lieutenant-Governor directed the reading of the proposed amendments to the constitution adopted by the last General Assembly:

Joint Resolution No. 1, entitled Senate Joint Resolution amending section 2 of article 2 of the constitution, and prescribing the qualification of voters.

Read the second time.

Joint Resolution No. 2, entitled Senate Joint Resolution proposing amendment to section 5 of article 2 of the constitution.

Read the second time.

Joint Resolution No. 3, entitled Senate Joint Resolution proposing amendment to section 14 of article 2 of the constitution.

Read the second time.

Joint Resolution No. 4, entitled Senate Joint Resolution proposing amendment to sections 4 and 5 of article 4 of the constitution.

Read the second time.

Joint Resolution No. 5, entitled Senate Joint Resolution proposing amendment to the fourteenth clause of section 22 of article 4 of the constitution.

Read the second time.

Joint Resolution No. 6, entitled Senate Joint Resolution, proposing amendment to section 1 of article 7 of the constitution.

Read the second time.

Joint Resolution No. 7, entitled Senate Joint Resolution proposing amendment to the second section of article 7 of the constitution.

Read the second time.

Joint Resolution No. 9, entitled Senate Joint Resolution proposing to strike out all the sections of the thirteenth article of the constitution and in lieu thereof insert.

Read the second time.

Joint Resolution No. 10, entitled Senate Joint Resolution proposing amendment to section 29 of the fourth article of the constitution.

Read the second time.

Mr. Burrell moved to amend the first proposed amendment to the constitution by striking out the words, "If he shall have been duly registered according to law," being the first clause of said resolution.

Mr. Dice made the following point of order:

That while amendments to the constitution of the State are waiting the action of a succeeding General Assembly, no additional amendment or amendments shall be proposed, and that the amendment proposed by Senator Burrell was in effect a new and additional amendment.

The point of order made by Mr. Dice was sustained by the chair.

Leave of absence was asked and obtained for Mr. Wier of Lagrange.

Leave of absence was asked and obtained for Mr. Benz, who was sick at his hotel.

Mr. Burrell offered the following resolution:

Resolved, That there shall be appointed by the President a standing committee of seven, to which all propositions for legislative apportionment shall be referred.

Mr. Harris moved to lay the resolution on the table.

Which was agreed to.

Mr. Sarnighausen offered the following resolution:

WHEREAS, In a letter to the State Superintendent of Public Instruction, dated the 17th day of December, 1875, and found in said Superintendent's report for 1876, page 77, the Hon. B. C. Shaw, Treasurer of the State, says that there was due from the State's indebtedness to the common school fund revenue for tuition the sum of \$150,000; be it therefore

Resolved, That the committee on education be and the same is

hereby instructed to inquire into the matter and to report to the Senate by bill or otherwise.

Which was adopted.

Senate Bill No. 32 was put upon its second reading.

Mr. Reeve moved that the constitutional rule be suspended, the bill read the third time now and put upon its passage.

A constitutional provision requiring the ayes and noes, they were ordered and taken with the following result:

Those who voted in the affirmative were: Senators Briscoe, Cadwallader, Coffey, Comstock, Davenport, Davis, Donham, Foster, Fowler, Garrigus, Grubbs, Harris, Hart, Hefron, Heilman, Kahlo, Kent, Kramer, Langdon, Leeper, Major, Menzies, Moore, Peterson, Poindexter, Ragan, Reeve, Reiley, Sarnighausen, Shirk, Smith, Streight, Tarlton, Traylor, Treat, Urmstan, Viehe, Wilson, Wood and Woollen—40.

Those who voted in the negative were: Senators Dice and Trusler—2.

The motion was agreed to.

The bill was then read a third time.

The question being, shall the bill pass? A constitutional provision requiring the ayes and nays they were ordered and taken, with the following result:

Those who voted in the affirmative were: Senators Briscoe, Burrell, Cadwallader, Coffey, Comstock, Davenport, Davis, Donham, Foster, Fowler, Garrigus, Grubbs, Harris, Hart, Hefron, Heilman, Kahlo, Kent, Kramer, Langdon, Leeper, Major, Menzies, Moore, Peterson, Poindexter, Ragan, Reeve, Reiley, Sarnighausen, Shirk, Smith, Streight, Tarlton, Traylor, Treat, Urmstan, Viehe, Winterbotham, Wood and Woollen—41.

Those who voted in the negative were: Senators Dice, Trusler and Wilson—3.

Mr. Reeve offered the following resolution:

Resolved, That the committee on the judiciary be instructed to inquire into the expediency of legislation to aid in the prevention of crime, by the prevention of physical and mental depravity, by wholesome laws preventing marriage between persons mentally diseased, or suffering from incurable and hereditary vicious physical affections, and punishing persons guilty of bastardy, and modifying

the laws regulating the issue of license for marriage, and in such other respects as may be found practicable, and to report by bill or otherwise.

Mr. Wood moved that the resolution be referred to the committee on the judiciary.

On motion of Mr. Reeve, the Senate adjourned.

AFTERNOON SESSION.

JANUARY 15, 1879.

The Senate reassembled at 2 o'clock.

Mr. Shaffer asked and obtained leave of absence for Mr. Mercer, on account of sickness.

House Joint Resolution No. 12 was read first time.

Mr. Reeve moved the adoption of the joint resolution.

Mr. Dice moved its reference to the committee on rights and privileges.

Which, on a division, was rejected. Affirmative, 15; negative, 19.

The question recurring on the adoption of the joint resolution, the constitution requiring the ayes and noes, they were taken, and resulted as follows:

Those who voted in the affirmative were: Senators Briscoe, Burrell, Cadwallader, Coffey, Comstock, Davis, Donham, Fowler, Garigus, Grubbs, Harris, Hart, Hefron, Heilman, Kahlo, Kent, Kramer, Langdon, Leeper, Major, Menzies, Moore, Peterson, Poindexter, Ragan, Reeve, Reiley, Sarnighausen, Shaffer, Shirk, Smith, Tarlton, Traylor, Treat, Trusler, Urmstan, Weir, Wilson, Winterbotham, Wood and Woollen—41.

Those who voted in the negative were: Senators Davenport, Dice, Olds and Streight—4.

Mr. Ragan offered the following resolution:

Resolved, That no employe or attache of this Senate shall be allowed more compensation for his services during this session than is allowed by law for such service, except upon a vote of the major-

ity of Senators elected to serve in this session, taken by a call of the ayes and noes.

Mr. Trusler moved to strike out all after the word "service."

Mr. Fowler offered the following substitute:

Resolved, That no money shall be appropriated to any person or persons, or for any purpose, out of the State treasury, unless it be by bill appropriating the same, or on concurrent resolution of both houses.

Mr. Sarnighausen moved to lay the whole subject matter on the table.

The ayes and noes were demanded by Messrs. Trusler and Ragan, and being taken resulted as follows:

Those who voted in the affirmative were: Senators Burrell, Coffey, Comstock, Davenport, Davis, Donham, Foster, Hart, Kent, Kramer, Leeper, Major, Menzies, Peterson, Poindexter, Reeve, Sarnighausen, Shaffer, Tarlton, Taylor, Traylor, Urmstan, Winterbotham, Wood and Woollen—25.

Those who voted in the negative were: Senators Briscoe, Cadwallader, Dice, Fowler, Garrigus, Grubbs, Harris, Heilman, Kahlo, Langdon, Moore, Olds, Ragan, Shirk, Smith, Streight, Treat, Trusler, Weir and Wilson—20.

Mr. Streight offered the following concurrent resolution:

WHEREAS, The great transportation corporations owning and controlling the thoroughfares over which the principal part of the surplus product of our State must pass, have succeeded in pooling their business; thereby preventing fair competition and creating a monopoly of the carrying trade; and

WHEREAS, Experience has proven that the rights and privileges of the people are not respected by monopolies; therefore be it

Resolved by the Senate (the House of Representatives concurring therein), That our Senators be and are hereby requested to use their influence to procure the passage of the bill now pending before the United States Senate, regulating interstate commerce; and that the Secretary of State be directed to forward our Senators in Washington a copy of this resolution.

Mr. Streight moved that it be made the special order for Friday at 2 o'clock.

Which was agreed to.

Mr. Kent introduced Senate Bill No. 100, entitled "An act regulating the number and qualification of grand jurors and the manner of their selection."

Read the first time and referred to the committee on the judiciary.

Mr. Sarnighausen introduced Senate Bill No. 101, entitled "An act to repeal the act approved March 6, 1865, entitled an act to authorize the formation of companies for the construction of water works in and for incorporated cities, to enable such cities to subscribe stock in such companies, and to issue and sell bonds in payment thereof, and declaring an emergency."

Read the first time and referred to the committee on rights and privileges.

Mr. Menzies introduced Senate Bill No. 102, entitled "An act regulating the manner of giving notice of sales of real estate sold on any execution, order of sale, or order of court, prescribing the duties of sheriffs, executors, administrators, guardians and commissioners, and repealing all laws in conflict with its provisions."

Read the first time and referred to the committee on the judiciary.

Mr. Foster introduced Senate Bill No. 103, entitled "An act to authorize cities to construct, maintain and operate water works, issue and sell bonds to pay for such construction, repealing all laws in conflict with this act, and declaring an emergency."

Read the first time and referred to the committee on rights and privileges.

Mr. Reeve moved that 200 copies of the bill be printed.

The ayes and noes being demanded by Messrs. Olds and Dice, and being ordered and taken, resulted as follows:

Those who voted in the affirmative were: Senators Burrell, Comstock, Donham, Foster, Fowler, Harris, Hart, Hefron, Kent, Kramer, Langdon, Leeper, Menzies, Moore, Peterson, Reeve, Reiley, Sarnighausen, Shaffer, Smith, Streight, Tarlton, Traylor, Winterbotham, Wood and Woollen—26.

Those who voted in the negative were: Senators Briscoe, Cadwallader, Davenport, Davis, Dice, Garrigus, Grubbs, Heilman, Kahlo, Olds, Poindexter, Ragan, Shirk, Trusler, Urmstan, Viehe, Weir and Wilson—18.

The motion was agreed to.

¶ Mr. Wood introduced Senate Bill No. 104, entitled "An act to repeal an act entitled a bill to enable counties bordering on the state

lines or rivers forming state boundaries, and townships and cities therein, to aid in the construction of railroads opposite such counties in other states to run to such counties, or to the state line or river forming the state boundary bordering such counties, or to form connections with other railroads in such counties, and prescribing the duties of the officers of such counties for that purpose, and authorizing such cities to issue bonds for such aid, and declaring an emergency, approved December 14, 1872."

Also, "An act entitled an act to authorize aid to the construction of railroads by counties and townships taking stock in and making donations to railroad companies, approved May 12, 1869."

Read the first time and referred to the committee on railroads.

Mr. Fowler introduced Senate Bill No. 105, entitled "An act requiring the vendor of real estate, who desires to retain a lien on the same for unpaid purchase money, to take a mortgage and place it upon record and declaring an emergency."

Read the first time and referred to the committee on the judiciary.

Mr. Cadwallader introduced Senate Bill No. 106, entitled "An act to amend the first and second sections of an act entitled an act concerning interest on money, and to provide for recoupment of usurious interest, approved March 9, 1867."

Read the first time and referred to the committee on the judiciary.

Mr. Harris moved that Senate bill No. 1 be taken up and read the first time.

Which was agreed to.

Senate bill No. 1, entitled "An act providing for the assessing and appraising of property for taxation, for the collection of taxes, and the manner of accounting for the same, and for the keeping of and adjusting the accounts of the receipts and expenditures of counties, for the distribution of the funds collected by county treasurers, limiting the tax levies of counties and townships, and for other purposes."

Read the first time, and referred to the committee on the judiciary.

Mr. Hart introduced Senate bill No. 107, entitled "An act to abolish the office of county superintendent of schools, and to provide for the appointment of county school examiner in lieu thereof, and to define their duties and fix their compensation, and to repeal section 39 of the general act as to common schools, approved March

*6, 1863, and also sections 6 and 7 of the supplemental school act, approved March 8, 1873, page 75 Davis' Statutes, pages 815 and 816, and also amendatory of an act, approved March 9, 1875."

Read first time, and referred to the committee on education.

Mr. Viehe, from the committee on the procurement of committee rooms, reported as follows:

MR. PRESIDENT:

Your committee for procuring rooms for the use of the committees respectfully report that George F. Pfingst, proprietor of the Grand Hotel, has made to your committee a proposition, herewith submitted, to furnish rooms Nos. 3; 26, 22, 93 and 101, in said hotel, during the present session, also light, heat and furniture for the rooms, and an attendant for the committees, for the sum of two hundred dollars, and your committee has accepted the proposition.

Mr. Reeve moved that the report be accepted and the committee discharged.

Which was agreed to.

Mr. Davenport reported as follows:

MR. PRESIDENT:

Your committee appointed to prepare resolutions expressive of the sorrow of the Senate upon the death of Hon. Charles Beardsley, late Senator from the county of Elkhart, beg leave to present the following:

Resolved, That the Senate contemplates the death of the Hon. Charles Beardsley, late Senator from the county of Elkhart, with profound sorrow.

Resolved, That in his death the State has lost a worthy citizen and a faithful and able Senator, whose public and private virtues have endeared his memory to all.

Resolved, That the Senators whose pleasure it was to serve with him in this body during the last session, cherish the memory of their late brother as one who, guided only by his love of justice and right, won the esteem and confidence of every one.

Resolved, That as a testimony of our respect to the memory of our brother Senator the Senate do now adjourn.

Eulogies were pronounced upon the deceased Senator by Messrs. Treat, Harris, Hefren and Reeve.

On motion of Mr. Sarnighausen the resolutions were adopted by a rising vote.

In accordance with the resolutions the Senate adjourned.

(Approved.)

ISAAC P. GRAY,
President of the Senate. .

THURSDAY MORNING.

JANUARY 16, 1879.

Senate met at 10 o'clock, Lieutenant-Governor Gray in the chair.

The session was opened with prayer by the Rev. William A. Bartlett, of the Second Presbyterian Church.

The Journal of yesterday was being read, when Mr. Harris moved that the further reading of the Journal be dispensed with.

Mr. Burrell made an ineffectual motion to lay the motion of Mr. Harris on the table.

The motion to dispense with the further reading of the Journal was then agreed to.

The Lieutenant-Governor announced the special order, being the consideration of the proposed amendments to the constitution.

Joint Resolution No. 1 was then taken up and read the third time.

The question being, shall the joint resolution pass?

Mr. Coffey moved to lay the joint resolution on the table.

Messrs. Ragan and Foster demanded the ayes and noes.

Which being ordered and taken resulted as follows:

Those who voted in the affirmative were: Senators Briscoe, Burrell, Coffey, Hebron, Kent, Leeper, Menzies, Reiley, Tarlton, Traylor, Urmstan and Woollen—12.

Those who voted in the negative were: Senators Cadwallader, Comstock, Davenport, Davis, Dice, Donham, Foster, Fowler, Garrigus, Grubbs, Harris, Hart, Heilman, Kahlo, Langdon, Major,

Mercer, Moore, Olds, Peterson, Poindexter, Ragan, Reeve, Sarnighausen, Shaffer, Shirk, Smith, Streight, Taylor, Treat, Trusler, Viehe, Weir, Wilson, Winterbotham and Wood—36.

The motion was rejected.

Mr. Menzies moved to indefinitely postpone further consideration of the resolution.

Mr. Fowler moved to lay the motion to postpone on the table.

Messrs. Coffey and Fowler demanded the ayes and noes.

Which being ordered and taken resulted as follows:

Those who voted in the affirmative were: Senators Cadwallader, Comstock, Davenport, Davis, Dice, Foster, Fowler, Garrigus, Grubbs, Harris, Heilman, Kahlo, Langdon, Major, Mercer, Moore, Olds, Peterson, Poindexter, Ragan, Reeve, Sarnighausen, Shaffer, Shirk, Smith, Streight, Taylor, Treat, Trusler, Viehe, Weir, Wilson, Winterbotham and Wood—34.

Those who voted in the negative were: Senators Briscoe, Burrell, Coffey, Donham, Hart, Hefron, Kent, Kramer, Leeper, Menzies, Reiley, Tarlton, Traylor, Urmstan and Woollen—15.

The motion was agreed to.

Mr. Streight demanded the previous question.

Which was seconded by the Senate. Affirmative, 33; noes, 11.

The main question being now on the adoption of Joint Resolution No. 1.

A constitutional provision requiring the ayes and noes, they were ordered taken and resulted as follows:

Those who voted in the affirmative were: Senators Cadwallader, Comstock, Davenport, Davis, Dice, Foster, Fowler, Garrigus, Grubbs, Harris, Heilman, Kahlo, Kramer, Langdon, Leeper, Major, Mercer, Moore, Olds, Peterson, Poindexter, Ragan, Reeve, Reiley, Sarnighausen, Shaffer, Shirk, Smith, Streight, Taylor, Treat, Trusler, Viehe, Weir, Wilson, Winterbotham and Wood—37.

Those who voted in the negative were: Senators Briscoe, Burrell, Coffey, Donham, Hart, Hefron, Kent, Menzies, Tarlton, Traylor, Urmstan and Woollen—12.

The Joint Resolution passed.

The Senate adjourned.

AFTERNOON SESSION.

JANUARY 16, 1879.

Senate reassembled at 2 o'clock P. M.

Joint Resolution No. 2 was taken up and read the third time.

The question being, shall the joint resolution pass?

A constitutional provision requiring the ayes and noes they were ordered and taken, and resulted as follows:

Those who voted in the affirmative were: Senators Briscoe, Burrell, Cadwallader, Coffey, Comstock, Davenport, Dice, Donham, Fowler, Garrigus, Grubbs, Harris, Hart, Hefron, Heilman, Kahlo, Kent, Kramer, Langdon, Leeper, Menzies, Mercer, Peterson, Poindexter, Ragan, Reiley, Sarnighausen, Shaffer, Shirk, Smith, Streight, Tarlton, Taylor, Traylor, Treat, Trusler, Urmstan, Viehe, Weir, Wilson, Winterbotham, Wood and Woollen—43.

No one voting in the negative.

The Joint Resolution was adopted.

Joint Resolution No. 3 was taken up and read the third time.

The question being, shall the joint resolution pass?

A constitutional provision requiring the ayes and noes they were ordered and taken, and resulted as follows:

Those who voted in the negative were: Senators Cadwallader, Comstock, Davenport, Davis, Dice, Fowler, Garrigus, Grubbs, Harris, Hart, Heilman, Kahlo, Kent, Kramer, Langdon, Leeper, Major, Menzies, Mercer, Olds, Poindexter, Ragan, Reeve, Reiley, Sarnighausen, Shaffer, Shirk, Smith, Streight, Taylor, Traylor, Treat, Trusler, Weir and Wilson—34.

Those who voted in the affirmative were: Senators Briscoe, Burrell, Coffey, Donham, Foster, Hefron, Menzies, Peterson, Tarlton, Urmstan, Viehe, Winterbotham, Wood and Woollen—14.

The joint resolution was adopted.

Joint Resolution No. 4 was then taken up and read the third time.

Senate Jour—5

The question being, shall the joint resolution pass?

A constitutional provision requiring the ayes and noes, they were ordered, and being taken resulted as follows:

Those who voted in the affirmative were: Senators Briscoe, Cadwallader, Coffey, Comstock, Davenport, Davis, Dice, Donham, Foster, Fowler, Garrigus, Grubbs, Harris, Hart, Hefron, Heilman, Kahlo, Kent, Kramer, Langdon, Leeper, Major, Menzies, Mercer, Olds, Peterson, Poindexter, Ragan, Reeve, Reiley, Sarnighausen, Shaffer, Shirk, Smith, Streight, Tarlton, Taylor, Traylor, Treat, Trusler, Urmstan, Viehe, Weir, Wilson, Winterbotham, Wood and Woollen—47.

Senator Burrell voting in the negative.

The joint resolution was adopted.

Joint Resolution No. 5 was then taken up and read the third time.

The question being, shall the joint resolution pass?

A constitutional provision requiring the ayes and noes they were ordered and taken, resulting as follows:

Those who voted in the affirmative were: Senators Briscoe, Cadwallader, Coffey, Comstock, Davenport, Davis, Dice, Donham, Foster, Fowler, Garrigus, Grubbs, Harris, Hart, Hefron, Heilman, Kahlo, Kramer, Langdon, Leeper, Major, Menzies, Mercer, Moore, Olds, Peterson, Poindexter, Ragan, Reeve, Reiley, Sarnighausen, Shaffer, Shirk, Smith, Streight, Tarlton, Taylor, Traylor, Treat, Trusler, Urmstan, Viehe, Weir, Wilson, Winterbotham, Wood and Woollen—47.

Those who voted in the negative were: Senators Burrell and Kent—2.

The joint resolution was adopted.

Joint Resolution No. 6 was then taken up and read the third time.

The question being, shall the Joint Resolution pass?

The constitutional rule requiring the ayes and noes they were ordered, and being taken resulted as follows:

Those who voted in the affirmative were: Senators Briscoe, Cadwallader, Coffey, Comstock, Davenport, Davis, Dice, Donham, Foster, Fowler, Garrigus, Grubbs, Harris, Hart, Hefron, Heilman, Kahlo, Kent, Langdon, Leeper, Major, Menzies, Mercer, Moore,

Olds, Peterson, Poindexter, Ragan, Reeve, Reiley, Sarnighausen, Shaffer, Shirk, Smith, Streight, Tarlton, Taylor, Traylor, Treat, Trusler, Urmstan, Weir, Wilson, Winterbotham, Wood and Woollen—46.

Those who voted in the negative were: Senators Burrell and Kramer—2.

The Joint Resolution was adopted.

Joint resolution No. 7 was then taken up and read the third time.

The question being, shall the joint resolution pass? and a constitutional provision requiring the ayes and noes they were ordered and taken, and resulted as follows:

Those who voted in the affirmative were: Senators Cadwallader, Coffey, Davenport, Davis, Dice, Donham, Foster, Fowler, Garrigus, Grubbs, Harris, Hart, Hebron, Heilman, Kahlo, Kent, Langdon, Leeper, Major, Menzies, Mercer, Moore, Peterson, Ragan, Reeve, Reiley, Sarnighausen, Shaffer, Shirk, Smith, Streight, Tarlton, Taylor, Traylor, Treat, Trusler, Urmstan, Weir, Wilson, Wood and Woollen—41.

Those who voted in the negative were: Senators Briscoe, Burrell, Comstock, Kramer, Olds, Poindexter and Winterbotham—7.

Joint resolution No. 9 was then taken up and read the third time.

The question being, shall the joint resolution pass? and a constitutional provision requiring the ayes and noes they were ordered and taken, resulting as follows:

Those who voted in the affirmative were: Senators Briscoe, Burrell, Cadwallader, Coffey, Comstock, Davenport, Davis, Dice, Donham, Foster, Fowler, Garrigus, Grubbs, Harris, Hart, Hebron, Heilman, Kahlo, Kent, Kramer, Langdon, Leeper, Major, Menzies, Mercer, Moore, Olds, Peterson, Poindexter, Ragan, Reeve, Reiley, Sarnighausen, Shaffer, Shirk, Smith, Streight, Tarlton, Taylor, Traylor, Treat, Trusler, Urmstan, Weir, Wilson, Winterbotham, Wood and Woollen—48.

No one voting in the negative.

The joint resolution was adopted.

Joint Resolution No. 10 was then taken up and read the third time.

The question being, shall the joint resolution pass?

A constitutional provision requiring the ayes and noes they were ordered, and being taken resulted as follows:

Those who voted in the affirmative were: Senators Briscoe, Burrell, Cadwallader, Coffey, Comstock, Davenport, Davis, Dice, Donham, Foster, Fowler, Garrigus, Grubbs, Harris, Hart, Hefron, Heilman, Kahlo, Kent, Kramer, Langdon, Leeper, Major, Mercer, Moore, Olds, Peterson, Poindexter, Ragan, Reeve, Sarnighausen, Shaffer, Shirk, Smith, Streight, Tarlton, Taylor, Treat, Urmstan, Viehe, Wilson, Winterbotham, Wood and Woollen—44.

Those who voted in the negative were: Senators Menzies, Reiley, Traylor, Trusler and Weir—5.

The joint resolution was adopted.

Mr. Taylor, from the committee on rules, reported as follows:

MR. PRESIDENT:

The committee to whom was reported the duty of reporting rules for the government of the Senate report as follows:

That the rules of the last session be adopted, except as follows: Amend rule 54 so that the second order of business shall read, "Bills on third reading, and to continue from day to day until that order of business be exhausted."

Amend rule 8 by striking out in the first clause "twenty-five" and substituting "twenty-seven."

Amend further by adding to said rule 8:

Twenty-sixth—On congressional apportionment to consist of one member from each congressional district.

Twenty-seventh—On legislative apportionment to consist of one member from each congressional district.

Amend the rules by adding thereto:

Rule 57. No smoking will be allowed in the Senate chamber before, during, or after the sittings thereof.

All of which is respectfully reported.

The amendments were severally adopted.

Then the resolutions were adopted as a whole.

Mr. Taylor introduced the following:

I move that two hundred copies of the rules of the Senate be printed for the use of members, together with a list of Senate and

House committees, and their places of meeting; also, a list of Senators, and their post-office address, together with the constitution of the State of Indiana.

Which was adopted.

The Senate adjourned.

(Approved.)

ISAAC P. GRAY,
President of the Senate.

FRIDAY MORNING.

JANUARY 17, 1879.

The Senate met at 10 o'clock A. M., Lieutenant Governor Gray in the chair.

The session was opened with prayer by the Rev. William A. Bartlett of the Second Presbyterian church.

The Journal of yesterday was read and approved.

Mr. Harris, from the committee on the judiciary, reported as follows:

MR. PRESIDENT:

The committee on the judiciary, to whom was referred Senate bill No. 50, have had the same under consideration and direct me to report that the same do pass, with the following amendment:

Strike out all after the word "provided," in line 15, and insert in lieu thereof the following: "That but one change of venue shall be granted to the same party."

Mr. Grubbs, from the committee on the judiciary, reported as follows:

MR. PRESIDENT:

The committee on the judiciary, to whom was referred Senate bill No. 76, have had the same under consideration and I am directed to recommend that the same be indefinitely postponed.

Mr. Reeve moved that the report be concurred in.

Which was agreed to.

The following message was received from the House by the clerk thereof:

MR. PRESIDENT :

I am directed by the Speaker to inform the Senate that the Speaker has signed Enrolled House Joint Resolution No. 12, entitled "A joint resolution soliciting the influence of the members of Congress from this State to place certain articles of medicine on the free list," and the same is herewith transmitted to the Senate for the signature of the President thereof.

Mr. Viehe, from the committee on the judiciary, reported as follows:

MR. PRESIDENT :

Your committee on the judiciary, to whom was referred Senate-Bill No. 29, entitled "An act to amend section 8 of an act approved March 8, 1873," etc., have had the same under consideration and directed me to report the bill back, with the recommendation that it be indefinitely postponed.

Mr. Reeve moved to concur in the report.

Mr. Langdon moved to lay the motion of Mr. Reeve on the table. Which was agreed to.

Mr. Comstock, from the committee on the judiciary, reported as follows:

MR. PRESIDENT :

Your committee on the judiciary, to whom was referred Senate-Bill No. 30, would respectfully report that the same has been considered, and I am directed to recommend that the bill be indefinitely postponed, for the law now affords sufficient protection.

Mr. Reeve moved to concur in the report.

Which was not agreed to.

Mr. Comstock, from the committee on the judiciary, reported as follows:

MR. PRESIDENT :

The committee on the judiciary, to whom was referred Senate-bill No. 4, has had the same under consideration, and I am directed to recommend the passage of the bill, with the following amendment:

Section 2 to read as follows: "All business pending in and returnable to said court at the date of the taking effect of this act, shall be and is transferred to and to be docketed in the cir-

cuit court of Wayne county, known as the Wayne Circuit Court, and all process shall be returnable to and business be transacted therein as if the business in said superior court had been originally commenced and was pending in said circuit court, as the same may be pending in said superior court."

Mr. Comstock, from the committee on the judiciary, reported as follows:

MR. PRESIDENT:

The committee on the judiciary, to whom was referred Senate bill No. 73, have had the same under consideration and I am directed to recommend that the same be indefinitely postponed.

Mr. Burrell, from the committee on the judiciary, reported as follows:

MR. PRESIDENT:

The committee on the judiciary, to whom was referred Senate bill No. 52, would respectfully report that the same has been considered, and it is recommended that the bill be indefinitely postponed.

Mr. Kahlo offered the following resolution:

Resolved, That one hundred copies of every bill introduced in the Senate, which the report of the committee to whom it is referred recommends its passage, be printed for the information and use of the Senate.

Messrs. Olds and Foster having demanded the ayes and noes, they were ordered and taken, resulting as follows:

Those who voted in the affirmative were: Senators Dice, Grubbs, Harris, Kahlo, Langdon, Peterson, Poindexter, Reeve, Sarnighausen, Shaffer, Streight, Taylor, Treat and Wilson—14.

Those who voted in the negative were: Senators Briscoe, Burrell, Cadwallader, Coffey, Comstock, Davenport, Davis, Donham, Foster, Fowler, Garrigus, Hart, Heilman, Kent, Kramer, Leeper, Major, Menzies, Mercer, Moore, Olds, Ragan, Reiley, Shirk, Tarlton, Traylor, Trusler, Urmstan, Viehe, Weir, Winterbotham, Wood and Woollen—33.

Mr. Kramer offered the following resolution:

Resolved, That there shall be no janitor elected and employed by the three clerks of the committees of the Senate, as is now provided by statute, in view of the fact that

rooms and attendants are furnished under contract with the Grand Hotel.

Mr. Foster moved to lay the resolution on the table.

Messrs. Foster and Streight demanded the ayes and noes, which being taken resulted as follows:

Those who voted in the affirmative were: Senators Donham, Fowler, Kent, Leeper and Menzies—5.

Those who voted in the negative were: Senators Briscoe, Burrell, Cadwallader, Coffey, Comstock, Davenport, Davis, Dice, Foster, Garrigus, Grubbs, Harris, Hart, Heilman, Kahlo, Kramer, Langdon, Major, Mercer, Moore, Olds, Peterson, Poindexter, Ragan, Reeve, Reiley, Sarnighausen, Shaffer, Shirk, Smith, Streight, Tarlton, Taylor, Traylor, Treat, Trusler, Urmstan, Viehe, Weir, Wilson, Winterbotham, Wood and Woollen—43.

Mr. Woollen offered the following resolution:

Resolved, That the committee on the judiciary be directed to report at their earliest convenience whether or not there is any law now in operation fixing the pay of officers and employes of the Senate.

Mr. Reeve moved that the resolution do lie on the table.

Which was rejected.

The resolution of Mr. Woollen was then adopted.

Mr. Sarnighausen offered the following resolution:

Resolved, That one thousand copies of the Governor's message, together with his communication on sanitary purposes, be printed in the English and five hundred copies in the German language.

Which was adopted.

Mr. Davenport offered the following joint resolution:

A resolution instructing the Senators and members of Congress from this State to use their efforts to secure the passage of the Arrears of Pension Bill.

Which was unanimously adopted.

Mr. Winterbotham introduced the following Joint Resolution:

WHEREAS, Under the patent laws of the United States the system of issuance of patent rights has been greatly abused by being converted by individuals or corporations in many instances into one vast system of fraud, thereby working disadvantageously to the people of the United States; therefore, be it

Resolved by the Senate (the House of Representatives concurring therein), That our Senators in Congress be requested, and our Congressmen instructed to vote for a judicious and wise modification of such laws by which justice may be arrived at, or else to vote for the absolute repeal of said patent laws.

Mr. Viehe moved to strike out the words "or else to vote for the absolute repeal of said patent laws."

The ayes and noes were demanded, and being taken resulted as follows:

Those who voted in the affirmative were: Senators Briscoe, Cadwallader, Coffey, Comstock, Davenport, Davis, Fowler, Garrigus, Grubbs, Harris, Hart, Heilman, Kahlo, Kent, Kramer, Langdon, Menzies, Mercer, Moore, Olds, Poindexter, Ragan, Reeve, Shaffer, Shirk, Smith, Streight, Treat, Trusler, Urmstan, Viehe, Weir and Wilson—33.

Those who voted in the negative were: Senators Burrell, Dice, Donham, Foster, Leeper, Major, Peterson, Reiley, Sarnighausen, Tarlton, Taylor, Traylor, Winterbotham, Wood and Woollen—15.

The motion was agreed to.

Mr. Reeve offered the following substitute for the resolution of the Senator from Laporte:

WHEREAS, The execution of the patent laws are so enforced as to flood the country with patented articles of minor but convenient use, prohibiting the exercise of ordinary and daily judgment by most persons not specially ingenious, and involving no new principle, by means of which the object of the patent laws are defeated and vast frauds are imposed upon the people;

Resolved by the Senate (the House of Representatives concurring therein), That our Representatives and Senators in Congress be instructed and requested to procure such modification of the patent laws as shall prohibit the issue of a patent for anything not based upon and involving the application of a new and original principle, and to complete the same at the earliest possible period.

Mr. Dice moved to refer the resolution to the committee on rights and privileges.

Messrs. Foster and Burrell demanded the ayes and noes, which, being ordered and taken, resulted as follows:

Those who voted in the affirmative were: Senators Comstock, Davenport, Dice, Garrigus, Grubbs, Harris, Heilman, Kahlo, Langdon, Moore, Ragan, Shaffer, Shirk, Streight, Taylor and Wilson—16.

Those who voted in the negative were: Senators Briscoe, Burrell, Cadwallader, Coffey, Davis, Donham, Foster, Fowler, Hart, Kent, Kramer, Leeper, Major, Menzies, Mercer, Olds, Peterson, Poindexter, Reeve, Reiley, Sarnighausen, Smith, Tarlton, Traylor, Treat, Trusler, Urmstan, Veihe, Weir, Winterbotham, Wood and Woollen—32.

Mr. Winterbotham moved the reference of the subject to a select committee of three.

Which was agreed to.

The President appointed as such committee Messrs. Winterbotham, Smith and Grubbs.

Mr. Dice introduced Senate Bill No. 108, entitled "An act to secure to inmates of insane hospitals the right to communicate with persons outside by letter or otherwise, and providing punishment for denials of such rights.

Read the first time and referred to the committee on benevolent institutions.

Mr. Dice introduced Senate Bill No. 109, entitled "An act to authorize inquisitions of insanity, and prescribing the mode of proceeding to punish violations thereof, repealing all laws in conflict with it and declaring an emergency."

Read the first time and referred to the committee on benevolent institutions.

Mr. Cadwallader introduced Senate Bill No. 110, entitled "An act to amend section 1 of an act entitled an act declaring agreements to pay attorney's fees contained in any bill of exchange, acceptance, draft, promissory note or other written evidence of indebtedness, illegal and void, and declaring an emergency, approved March 10, 1875."

Read the first time and referred to the committee on the judiciary.

Mr. Veihe introduced Senate Bill No. 111, entitled "An act to enable certain corporations organized under the laws of other States of the United States to take, hold and convey real estate in this State for certain purposes therein named."

Read the first time and referred to the committee on the judiciary.

Mr. Sarnighausen introduced Senate Bill No. 112, entitled "An act to authorize executors and administrators to convey real estate sold by a decedent in his life time and not conveyed by him."

Read the first time and referred to the committee on the judiciary.

Mr. Streight introduced Senate Bill No. 113, entitled "An act prohibiting townships, towns, cities or counties from donating or voting money to, or taking stock in any railroad, completed or in process of construction, or to be constructed, and repealing all laws in conflict therewith, and declaring an emergency."

Read the first time and referred to the committee on railroads.

Mr. Major introduced Senate Bill No. 114, entitled "An act to allow a reasonable homestead exemption, and to amend an act entitled an act to exempt property from sale in certain cases, approved February 17, 1852, and to repeal all laws in conflict with the same, and declaring and giving reasons for an emergency."

Read the first time and referred to the committee on the judiciary.

Mr. Fowler introduced Senate Bill No. 115, entitled "An act providing for trial of causes instituted in the State courts against foreign life and fire insurance companies doing business in the State of Indiana, and to prevent the transfer of such causes to the federal courts, and declaring an emergency."

Read the first time and referred to the committee on insurance.

Mr. Taylor introduced Senate Bill No. 116, entitled "An act to amend sections 3 and 4 of an act entitled an act to regulate and license the sale of spirituous, vinous, malt and other intoxicating liquors; to limit the license fee to be charged by cities and towns; prescribing penalties for intoxication, and providing for the recovery of damages for injuries growing out of unlawful sales of intoxicating liquors; to repeal all former laws regulating the sale of intoxicating liquors, and all laws and parts of laws coming in conflict with the provisions of this act, prescribing penalties for the violation thereof, and declaring an emergency."

Read the first time and referred to the committee on temperance.

Leave of absence was asked and obtained for Mr. Heilman for this afternoon and to-morrow.

The Senate adjourned.

AFTERNOON SESSION.

JANUARY 17, 1879.

The Senate reassembled.

President Gray called the Senator from Owen, Mr. Fowler, to the chair.

Joint resolution No. 2 being the special order for this hour.

Mr. Streight moved that it be taken up and read.

Mr. Reeve moved its reference to the judiciary committee.

Which was agreed to.

The following message was received from the Governor:

Gentlemen of the Senate:

I respectfully suggest that, in making provision for the support of Indiana University, in addition to the income derived from its present endowment, you consider the propriety of selling the parcel of ground in Indianapolis known as University Square, and devoting the proceeds thereof to the uses of the university, in lieu of appropriations from the general fund of the State treasury. I have obtained and herewith transmit an opinion of the Attorney General showing that the title to the property remains in the State, and that the Legislature may make any disposition of it that it may deem proper.

JAMES D. WILLIAMS.

Governor's office, January 17, 1879.

Which, on motion of Mr. Reeve, was, with the opinion of the Attorney General, referred to the committee on education.

The following message was received from the Governor:

Gentlemen of the Senate:

In applications for executive clemency, I am often asked to modify judgments imposing punishments which were regarded by the courts as excessive, but which they did not feel at liberty to disturb. In a recent case the attorney for the State and the judge said to me that they found no ground for a new trial in the assessment of an excessive punishment. Our bill of rights declares that "excessive fines shall not be imposed," and that "all penalties shall be proportioned to the offense." I respectfully recommend that the courts be empowered to so modify the verdicts of juries as to make

a criminal judgment in each case express the deliberate opinion of the judge of the court upon his full review of all the facts developed before him.

JAMES D. WILLIAMS.

Governor's office, January 17, 1879.

Mr. Winterbotham, from the committee on finance, reported as follows:

MR. PRESIDENT:

Your committee on finance, to whom was referred House Bill No. 1, have had the same under consideration, and a majority of said committee instruct me to report the same back, with the recommendation that the bill pass.

Mr. Reeve moved that the bill be taken up.

Which was agreed to.

Mr. Winterbotham moved that the constitutional rule be suspended, the bill read the second and third time and put upon its passage.

The ayes and noes being ordered and taken resulted as follows:

Those who voted in the affirmative were: Senators Briscoe, Burrell, Cadwallader, Coffey, Comstock, Davenport, Davis, Foster, Fowler, Garrigus, Grubbs, Harris, Hart, Kahlo, Kent, Kramer, Langdon, Leeper, Major, Menzies, Mercer, Moore, Olds, Peterson, Poindexter, Ragan, Reeve, Reiley, Sarnighausen, Shaffer, Shirk, Smith, Streight, Tarlton, Taylor, Traylor, Treat, Trusler, Urmstan, Viehe, Weir, Winterbotham, Wood and Woollen—44.

Those who voted in the negative were: Senators Dice and Wilson—2.

The constitutional rule was suspended.

House Bill No. 1, entitled "An act appropriating one hundred and twenty-five thousand dollars to defray the expenses of the fifty-first regular session of the General Assembly of the State of Indiana, and other matters connected therewith."

Was taken up and read the second time by title only.

Mr. Streight offered the following amendment:

Provided, That no money be appropriated to pay mileage to members who have received and used railroad passes going to and returning from the capital.

Mr. Reeve moved the previous question.

The Senate seconded the demand.

The question being on the amendment.

The ayes and noes were ordered, and being taken resulted as follows:

Those who voted in the affirmative were: Senators Cadwallader, Comstock, Davenport, Dice, Grubbs, Hart, Langdon, Poindexter, Reeve, Shirk, Smith, Streight, Trusler and Wilson—14.

Those who voted in the negative were: Senators Briscoe, Burrell, Coffey, Davis, Donham, Foster, Fowler, Garrigus, Harris, Kahlo, Kent, Kramer, Leeper, Major, Menzies, Mercer, Moore, Olds, Peterson, Ragan, Reiley, Sarnighausen, Shaffer, Tarlton, Taylor, Traylor, Treat, Urmstan, Viehe, Weir, Winterbotham, Wood and Woollen—33.

The amendment was rejected.

House Bill No. 1 was then read the third time and put upon its passage.

The question being, shall the bill pass?

The ayes and noes being ordered and taken, resulted as follows:

Those who voted in the affirmative were: Senators Briscoe, Burrell, Cadwallader, Coffey, Comstock, Davenport, Davis, Dice, Donham, Foster, Fowler, Garrigus, Grubbs, Harris, Hart, Kahlo, Kent, Kramer, Langdon, Leeper, Major, Menzies, Mercer, Moore, Olds, Peterson, Poindexter, Ragan, Reeve, Reiley, Sarnighausen, Shaffer, Shirk, Smith, Tarlton, Taylor, Traylor, Treat, Trusler, Urmstan, Viehe, Weir, Winterbotham, Wood and Woollen—45.

Those who voted in the negative were: Senators Streight and Wilson—2.

The bill passed.

Mr. Briscoe introduced Senate Bill No. 117, entitled "An act to abolish the criminal court of Allen county, and transferring its business to the circuit court thereof."

Read the first time and referred to the committee on the organization of courts.

Mr. Langdon introduced Senate Bill No. 118, entitled "An act to amend sections 199, 201, 202, 203, 204 and 205 of an act entitled an act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State; to abolish distinct forms of action at law, and to provide for the administra-

tion of justice in a uniform mode of pleading and practice, without distinction between law and equity, approved June 18, 1852."

Read the first time and referred to the committee on the judiciary.

Mr. Kahlo introduced Senate Bill No. 119, entitled "An act to repeal an act to establish a superior court in the county of Cass, defining its jurisdiction and providing for the election and compensation of the judge thereof, and other matters connected therewith, and declaring an emergency; to transfer the business of said superior court to the circuit court of Cass county, and other matters properly connected therewith.

Read the first time and referred to the committee on the organization of courts.

Mr. Coffey introduced Senate Bill No. 120, entitled "An act providing a uniformity in the beginning and ending of the terms of office of circuit judges, prosecuting attorneys and county officers, and in the election of their successors."

Read the first time and referred to the committee on the judiciary.

Mr. Trusler introduced Senate Bill No. 121, entitled "An act to repeal section 2 of an act entitled an act defining certain misdemeanors and prescribing punishment therefor, approved December 2, 1865."

Read the first time and referred to the committee on the judiciary.

Mr. Shaffer introduced Senate Bill No. 122, entitled "An act to provide for the repair of free turnpike roads in the various counties of Indiana, and to authorize the board of commissioners of any county in this State to constitute a board of directors to regulate the hauling of heavy burdens on any free turnpike or improved road.

Read the first time and referred to the committee on roads

Mr. Grubbs introduced Senate Bill No. 123, entitled "An act defining the meaning of the first proviso of the second section of an act entitled an act for the relocation of county seats and for the erection of county buildings in counties in case of such relocation, approved March 2, 1855."

Read the first time and referred to the committee on the judiciary.

Mr. Smith introduced Senate Bill No. 124, entitled "An act defining the jurisdiction of justices of the peace and mayors of cities in certain cases."

Read the first time and referred to the committee on the judiciary.

Mr. Foster introduced Senate Bill No. 125, entitled "An act providing for the punishment of persons in possession of stolen personal property in this State having stolen the same in another state or territory of the United States, or in any foreign country, and for the punishment of persons who shall buy, receive, conceal or aid in the concealment of stolen personal property in this State, knowing it to have been stolen in some other state or territory of the United States, or foreign country, and for the punishment of aiders and abettors in certain cases."

Read the first time and referred to the committee on the judiciary.

Mr. Burrell introduced Senate Bill No. 126, entitled "An act making general provisions for the organization, government, taxation and regulation of various classes of insurance companies therein named, providing penalties for its violation, and repealing all laws in conflict therewith."

Read the first time and referred to the committee on insurance.

Mr. Comstock introduced Senate Bill No. 127, entitled "An act to amend section 334 of an act entitled an act to revise, simplify and abridge the rules, practice, pleading and forms of civil cases in the courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice without distinction between law and equity, approved June 18, 1852."

Read the first time and referred to the committee on the judiciary.

Mr. Cadwallader, by request, introduced Senate Bill No. 128, entitled "An act to exempt a homestead and other property from forced sale in certain cases, and declaring an emergency."

Read the first time and referred to the committee on the judiciary.

Mr. Menzies introduced Senate Bill No. 129, entitled "An act providing for changes of venue from mayors of cities trying causes, civil or criminal, to justices of the peace, and taking recognizance for the appearance of parties and witnesses."

Read the first time and referred to the committee on the judiciary.

Mr. Viehe introduced Senate Bill No. 130, entitled "An act to regulate the number of petit jurors in the circuit, superior and criminal courts of this State."

Read the first time and referred to the committee on the judiciary.

Mr. Harris introduced Senate Bill No. 131, as prayed for by the board of commissioners of Marion county, the police board, the mayor and the city attorney of Indianapolis and the prosecuting attorney of Marion criminal circuit court, entitled "An act providing for the election of a police judge in all cities of this State organized under the general laws of this State, having a voting population of sixteen thousand or more, as shown by the votes cast for Governor at the last preceding election, defining his jurisdiction, duties, powers, term of office and how compensated, the name and style of the court over which he presides, prescribing the mode of procedure and practice in cases of appeals therefrom, designating the attorney of such court, defining his duties and fixing his compensation, giving the county commissioners of the county in which such city is situated the power to fix a salary for the state prosecuting attorney of such county, to be paid by such county, repealing all laws in conflict with this act and declaring an emergency."

Read the first time and referred to the committee on the judiciary.

Mr. Reeve introduced Senate Bill No. 132, entitled "An act relating to the collection of debts, and the practice and pleadings in courts in actions on money demand and accounts, to prevent sham defenses, and providing a penalty on parties and attorneys, providing for judgments on default to answer or reply, repealing conflicting laws and declaring an emergency."

Read the first time and referred to the committee on the judiciary.

Mr. Moore introduced Senate Bill No. 133, entitled "An act in relation to plank, gravel and turnpike road companies, to prevent the opening of ways around toll-gates, fixing and providing for the collection of penalties, and providing for the granting of the right of way for said road or extension thereof over public highways or portions thereof, and declaring an emergency."

Read the first time and referred to the committee on roads.

Leave of absence was asked and obtained for Messrs. Davenport, Urmstan, Dice, Kahlo, Viehe, Kent and Poindexter.

Mr. Shaffer moved that when the Senate adjourn, it be until Monday morning at 10 o'clock.

Senate Jour—6

Messrs. Olds and Burrell demanded the ayes and noes, which being ordered and taken resulted as follows:

Those who voted in the affirmative were: Senators Foster, Langdon, Peterson, Reeve, Sarnighausen, Shaffer, Streight, Treat, Viehe and Wood—10.

Those who voted in the negative were: Senators Burrell, Cadwallader, Coffey, Comstock, Davis, Dice, Donham, Fowler, Garrius, Grubbs, Harris, Hart, Kramer, Leeper, Major, Mercer, Moore, Olds, Poindexter, Ragan, Reiley, Shirk, Smith, Tarlton, Taylor, Traylor, Trusler, Urmstan, Weir, Wilson, Winterbotham and Woolen—32.

The motion was rejected.

Mr. Urmstan, by request, introduced Senate Bill No. 134, entitled "An act to divide the State of Indiana into congressional districts."

Read the first time and referred to a committee of one from each congressional district.

Mr. Wood introduced Senate Bill No. 135, entitled "An act to declare the record of government patents, and certified copies thereof, in the counties of this State, evidence, and to provide for recording all government patents that may be hereafter issued for lands in this State."

Read the first time and referred to the committee on the judiciary.

Mr. Dice introduced Senate Bill No. 136, entitled "An act to regulate the use of human bodies for the purposes of dissection, to require a record thereof to be kept, and to punish the unlawful possession or dissection of such bodies and the violation of graves."

Read the first time and referred to the special committee.

Mr. Taylor introduced Senate Bill No. 137, entitled "An act providing for printing legal notices by the lowest bidder."

Read the first time and referred to the committee on county and township business.

Mr. Sarnighausen gave notice that he would move to increase the number of standing committees, by moving the appointment of a committee on sanitary affairs.

The Senate adjourned.

(Approved.)

ISAAC P. GRAY,
President of the Senate.

SATURDAY MORNING.

JANUARY 18, 1879.

The Senate met at 10 o'clock, Lieutenant-Governor Gray in the chair.

The session was opened with prayer by Rev. William A. Bartlett of the Second Presbyterian Church.

The Journal of yesterday was read and approved.

Mr. Cadwallader moved that when the Senate adjourned it be until 10 o'clock on Monday.

Mr. Reeve moved to amend by striking out 10 o'clock, A. M. and insert 2 o'clock, P. M.

The ayes and noes were demanded by Messrs. Burrell and Foster, which being ordered and taken resulted as follows:

Those who voted in the affirmative were: Senators Cadwallader, Langdon, Olds, Peterson, Reeve, Sarnighausen, Shirk, Smith, Streight, Taylor, Trusler, Wilson and Wood—13.

Those who voted in the negative were: Senators Briscoe, Burrell, Coffey, Comstock, Davis, Donham, Foster, Fowler, Garrigus, Harris, Kramer, Leeper, Major, Menzies, Mercer, Ragan, Reiley, Tarlton, Treat, Weir, Winterbotham and Woollen—22.

The amendment was rejected, and the original motion was agreed to.

Mr. Sarnighausen moved as follows:

To amend the rules so as to increase the number of standing committees by appointing the 28th standing committee "on sanitary purposes."

Which motion was agreed to.

Mr. Fowler introduced the following resolution:

Resolved, That the president of the board of commissioners of the Insane Hospital be and he is hereby requested to furnish the Senate, at his earliest convenience, an itemized statement of the entire receipts to what is designated in the report of said institution

the "incidental fund," specifying the amounts received from the sale of hides and tallow, etc., of beeves slaughtered, amounts received from friends of incurable inmates for their support, giving names and location of parties making such donations for the support of their friends, amounts received from farm products, and all other receipts from whatever source to same fund. Also, giving the disbursements from said incidental fund in detail, giving names of parties to whom paid, and for what purpose. Such statement to embrace the period of the last two fiscal years separately, ending October 31, 1878. Said president is also requested to furnish at the same time the same character of statement for the Deaf and Dumb Institution and the Blind Asylum of their respective "incidental funds," and also to state on whose warrant said "incidental funds" for said several institutions have been paid out. And that a copy of this resolution be furnished said president."

Leave of absence was asked and obtained for Messrs. Shaffer, Traylor, Shirk and Trusler until Monday at 2 o'clock P. M.

Mr. Harris moved that the regular order be suspended, and that the remainder of to-day's session be occupied by the introduction of bills.

Which was agreed to.

Mr. Reeve introduced Senate Bill No. 138, entitled "An act relating to congressional township school funds, the loan of fractional sums thereof by combining into a 'miscellaneous fund;' requiring full distribution of all funds required to be in hand by law; providing penalties, declaring an emergency, and other matters connected with the subject matter of the act."

Read the first time and referred to the committee on the judiciary.

Mr. Garrigus introduced Senate Bill No. 139, entitled "An act to prevent waste and injury to real estate, or any interest therein that has been or may be hereafter sold upon execution or other process from a court of record, and to provide punishment therefor, and declaring an emergency."

Read the first time and referred to the committee on the judiciary.

Mr. Menzies introduced Senate Bill No. 140, entitled "A bill for an act authorizing the surrender of city charters or municipal organization of any city where the population shall be less than seven thousand inhabitants, and reserving all vested rights and contracts made before such surrender."

Read the first time and referred to the committee on corporations.

Mr. Leeper introduced Senate Bill No. 141, entitled "An act providing for the protection of wild game, and defining the time in which the same may be taken or killed, and also providing for the protection of certain birds therein named, and their eggs, and prescribing the penalty for the violation of the same, and repealing all laws inconsistent herewith."

Read the first time and referred to the committee on rights and privileges.

Mr. Foster introduced Senate Bill No. 142, entitled "An act to confirm and make valid sales of real estate in the State of Indiana, made by commissioners appointed to carry out the provisions of any will and declare an emergency."

Read the first time and referred to the committee on the judiciary.

Mr. Taylor introduced Senate Bill No. 143, entitled "An act to prevent the dismissal of causes before justices of the peace, and other matters connected therewith."

Read the first time and referred to the committee on rights and privileges.

Mr. Weir introduced Senate Bill No. 144, entitled "An act to repeal all laws or parts of laws now in force, providing for the levy of a cash or money poll tax in this State, and declaring an emergency."

Read the first time and referred to the committee on finance.

Mr. Comstock introduced Senate Bill No. 145, entitled "An act to amend section 115 of an act entitled an act to revise, simplify and abridge the rules, practice, pleadings and forms in criminal actions in the courts of this State, approved June 17, 1852."

Read the first time and referred to the committee on the judiciary.

Mr. Foster introduced Senate Bill No. 146, entitled "An act to amend sections 119 and 155 of an act entitled an act to revise, simplify and abridge the rules, practice, pleadings and forms in criminal actions in the courts of this State, approved June 17, 1852."

Read the first time and referred to the committee on the judiciary.

Mr. Grubbs introduced Senate Bill No. 147, entitled "A bill for an act to amend sections 3 and 8 of an act entitled an act to provide for the inspection of petroleum oils for illuminating purposes, marking and branding the same, prescribing penalty for selling the same

without inspection, or for falsely branding the cask, package or barrel containing the same, or for violating any of the provisions of this act; for the appointment of inspectors and deputies, prescribing duties and terms of office, and imposing penalties for inspectors and deputies trading in articles they are appointed to inspect, approved March 9, 1863."

Mr. Wood introduced Senate Bill No. 148, entitled "An act to repeal section 247 of an act entitled an act to provide for a uniform assessment of property, and for the collection and return of taxes thereon, approved December 21, 1872."

Read the first time and referred to the committee on the judiciary.

Mr. Streight introduced Senate Bill No. 149, entitled "An act to protect the citizens of the State of Indiana from empiricism and to elevate the standing of the medical profession."

Read the first time and referred to the committee on sanitary purposes.

Mr. Davis, by request, introduced Senate Bill No. 150, entitled "An act declaring when judges of the State shall be paid their salaries."

Read the first time and referred to the committee on finance.

Mr. Trusler introduced Senate Bill No. 151, entitled "An act to amend sections 1 and 2 of an act entitled an act providing for the election and appointment of supervisors of highways and prescribing certain of their duties, and those of county and township officers in relation thereto, and to repeal all laws inconsistent therewith, approved March 5, 1877."

Read the first time and referred to the committee on county and township business.

Mr. Wilson introduced Senate Bill No. 152, entitled "An act to regulate the testimony of experts in courts of justice."

Read the first time and referred to the committee on the judiciary.

Mr. Garrigus introduced Senate Bill No. 153, entitled "An act to amend section 87 of an act entitled an act to revise, simplify and abridge the rules, practice, pleadings and forms in criminal actions in the courts of this State, approved June 17, 1852."

Read the first time and referred to the committee on the judiciary.

Mr. Harris introduced Senate Bill No. 154, entitled "An act supplemental to an act entitled an act concerning the organization and perpetuity of voluntary associations, and repealing an act entitled an act concerning the organization of voluntary associations, and repealing former laws in reference thereto, approved February 12, 1855, and repealing each act repealed by said act, and authorizing gifts or devises by will to be made to any corporation or purpose contemplated by this act, and the amendments thereto, approved February 20, 1867."

Read the first time and referred to the committee on corporations.

Mr. Grubbs introduced Senate Bill No. 155, entitled "An act to amend an act entitled an act to prevent carrying concealed or dangerous weapons and to provide punishment therefor, approved February 23, 1859."

Read the first time and referred to the committee on the judiciary.

Mr. Ragan introduced Senate Bill No. 156, entitled "An act touching the duties of township trustees and taxes for the fees and expenses of such officers."

Read the first time and referred to the committee on county and township business.

Mr. Foster introduced Senate Bill No. 157, entitled "An act to preserve evidence taken before grand juries in certain cases, and declaring an emergency."

Read the first time and referred to the committee on the judiciary.

Mr. Harris introduced Senate Bill No. 158, entitled "An act concerning married women, their rights, powers, obligations, duties and separate property, and other matters properly connected therewith."

Read the first time and referred to the committee on the judiciary.

Mr. Grubbs introduced Senate Bill No. 159, entitled "An act to amend sections 308 and 313 of an act entitled an act to revise, simplify and abridge the rules, practice, pleadings and forms in civil causes in the courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice without distinction between law and equity, approved June 18, 1852."

Read the first time and referred to the committee on the judiciary.

Mr. Comstock introduced Senate Bill No. 160, entitled "An act to amend section 1 of an act entitled an act to amend section 3 of an act entitled an act for the regulation of weights and measures,

approved June 9, 1852, approved February 28, 1855, approved March 7, 1863," be amended to read as follows, to-wit.

Read the first time and referred to the committee on rights and privileges.

Mr. Harris introduced Senate Bill No. 161, entitled "An act concerning bills of exceptions."

Read the first time and referred to the committee on the judiciary.

On motion of Senator Kramer, Senate Bill No. 24 was withdrawn from the committee on corporations and referred to the committee on the judiciary.

Mr. Grubbs introduced Senate Bill No. 162, entitled "An act to amend sections 51 and 52 of an act entitled an act providing for the election and qualification of justices of the peace, and defining their jurisdiction, powers and duties in civil cases."

Read the first time and referred to the committee on the judiciary.

Mr. Ragan introduced Senate Bill No. 163, entitled "An act further defining the duties of boards of county commissioners in reference to the appointment of inspectors of elections, and defining certain misdemeanors, with penalties therefor."

Read the first time and referred to the committee on county and township business.

Mr. Langdon introduced Senate Bill No. 164, entitled "An act supplemental to an act entitled an act to repeal all general laws now in force for the incorporation of cities, prescribing their powers and rights, and the manner in which they shall exercise the same, and to regulate such other matters as properly pertain thereto, approved March 14, 1867."

Read the first time and referred to the committee on corporations.

Mr. Trusler introduced Senate Bill No. 165, entitled "A bill defining the crime of abortion or attempted abortion, and prescribing the punishment therefor.

Read the first time and referred to the committee on the judiciary.

The Senate adjourned until 10 o'clock Monday.

(Approved.)

ISAAC P. GRAY,
President of the Senate.

MONDAY MORNING.

JANUARY 20, 1879.

The Senate met at 10 o'clock. Lieutenant-Governor Gray in the chair.

The Journal of Saturday, the 18th inst., was read and approved.

Leave of absence was asked and obtained for Mr. Kahlo for an indefinite space of time.

Mr. Comstock presented a number of petitions from citizens of Wayne county for the abolishment of the Superior Court of Wayne county.

Which was referred to the committee on the judiciary.

Mr. Comstock presented a number of petitions from citizens of Wayne county praying for the reduction of the fees and salaries of State and county officers.

Which was referred to the committee on fees and salaries.

Mr. Ragan presented a petition from the citizens of Hendricks county praying for the reduction of the fees and salaries of State and county officers.

Which was referred to the committee on fees and salaries.

Mr. Wood offered the following resolution:

Resolved by the Senate (the House of Representatives concurring therein), That a joint committee of both houses be appointed to consider and prepare a railroad tariff and freight bill, that will be just to the railroad companies and the shippers of this State, and establish a uniform system of rates throughout the State; and in order to obtain this result, said committee shall have a conference with the railroad managers and shippers.

Which was adopted.

Mr. Fowler offered the following resolution:

Resolved, That at the hour of 12 o'clock meridian, to-morrow, this body will, in pursuance of an act of the Congress of the United States, entitled "An act to regulate the time and manner of holding elections for Senators in Congress," approved July 25, 1866, pro-

ceed to vote for Senator in Congress of the United States for the term of six years, from and after the 4th day of March, 1879, in the place of the Hon. D. W. Voorhees, the present incumbent.

Mr. Reeve moved to lay the resolution on the table.

Which was agreed to.

Mr. Fowler offered the following resolution:

Resolved, That this body at 12 o'clock meridian to-morrow, will, in pursuance of an act of Congress of the United States, entitled "An act to regulate the time and manner of holding elections for Senators in Congress, approved July 25, 1866," proceed to vote for a Senator in Congress of the United States, to fill out the unexpired term of the late Senator O. P. Morton, said term expiring March 4, 1879.

Which resolution was rejected.

Mr. Weir introduced Senate Bill No. 166, entitled "An act to amend an act to amend sections 1 and 4 of an act entitled an act supplementary and amendatory of an act entitled an act to provide for a uniform assessment of property, and for the collection and return of taxes thereon, approved December 21, 1872, approved March 8, 1873, approved March 13, 1875, and declaring an emergency."

Read the first time and referred to the committee on finance.

Mr. Fowler introduced Senate Bill No. 167, entitled "An act defining the rights and liabilities of married women, and declaring an emergency."

Read the first time and referred to the committee on the judiciary.

Mr. Sarnighausen introduced Senate Bill No. 168, entitled "An act creating a bureau of statistics, prescribing rules and regulations for the government of the same, and declaring an emergency."

Read the first time and referred to the committee on statistics.

Mr. Sarnighausen moved that one hundred copies of the said bill be printed.

Which was agreed to.

Mr. Hart introduced Senate Bill No. 169, entitled "An act to prevent persons who are the mortgagors of goods and chattels, and who by the terms of the mortgage retain possession of the same, from running off, hiding, secreting, selling, exchanging or otherwise-

disposing of such property in violation of the terms of the mortgage, and prescribing penalties for the same."

Read the first time and referred to the committee on the judiciary.

Mr. Langdon introduced Senate Bill No. 170, entitled "An act to amend sections 19 and 20 of an act entitled an act regulating descents and the apportionment of estates, approved May 14, 1852."

Read the first time and referred to the committee on the judiciary.

Mr. Foster introduced Senate Bill No. 171, entitled "An act to amend section 17 of an act entitled an act defining felonies and prescribing punishment therefor, approved June 10, 1852."

Read the first time and referred to the committee on the judiciary.

Mr. Moore introduced Senate Bill No. 172, entitled "An act to legalize certain sales made under voluntary assignments of real and personal property in trust for the benefit of creditors."

Read the first time and referred to the committee on the judiciary.

Mr. Fowler introduced Senate Bill No. 173, entitled "An act providing for notice by publication to be given to defendants in a weekly newspaper in certain cases in proceeding in bastardy, and declaring an emergency."

Read the first time and referred to the committee on the judiciary.

Mr. Viehe introduced Senate Bill No. 174, entitled "An act to provide for the mode of trial of certain issues of fact in civil cases."

Read the first time and referred to the committee on the judiciary.

Mr. Sarnighausen introduced Senate Bill No. 175, entitled "An act for the appointment and qualification of county superintendents, repealing all acts and parts of acts in conflict therewith, and declaring an emergency."

Read the first time and referred to the committee on education.

Mr. Traylor introduced Senate Bill No. 176, entitled "An act to legalize the official acts of the boards of trustees of the town of Jasper, Dubois county, Indiana."

Read the first time and referred to the committee on corporations.

Mr. Coffey introduced Senate Bill No. 177, entitled "An act to repeal section six of an act entitled an act concerning promissory notes, bills of exchange, bonds, or other instruments in writing, signed by any person who promises to pay money or acknowledges money to be due, or for the delivery of any specific articles, or to convey property, or to perform any stipulation therein mentioned,

and repealing all laws coming in conflict therewith, approved March 11, 1861."

Read the first time and referred to the committee on the judiciary.

Mr. Sarnighausen introduced Senate Bill No. 178, entitled "An act to amend sections 16 and 34 of an act entitled an act to provide for a general system of common schools, the officers thereof, and their respective powers and duties and matters properly connected therewith, and prescribing the fees for certain officers therein named, and for the establishment and regulation of township libraries, and to repeal all laws inconsistent therewith, providing penalties therein prescribed, approved March 6, 1865, and declaring an emergency."

Read the first time and referred to the committee on education.

Mr. Harris, by request, introduced Senate Bill No. 179, entitled "An act to establish a state board of health, to define the purpose thereof, to provide for a system of registration and report of vital statistics, to define the duties of certain state and county officers, to punish for neglect of duty and declare an emergency."

Read the first time and referred to the committee on the judiciary.

Mr. Burrell introduced Senate Bill No. 180, entitled "An act to amend section 12 of an act entitled an act regulating the granting of divorces, nullification of marriages and decrees and orders of courts incident thereto, and repealing all laws conflicting with this act, and declaring an emergency, approved March 10, 1873."

Read the first time and referred to the committee on the judiciary.

Mr. Grubbs introduced Senate Bill No. 181, entitled "An act to amend section eighteen of an act entitled an act regulating descents, and the apportionment of estates, approved May 14, 1852."

Read the first time and referred to the committee on the judiciary.

Mr. Comstock introduced Senate Bill No. 182, entitled "An act concerning real estate."

Read the first time and referred to the committee on the judiciary.

Mr. Woollen introduced Senate Bill No. 183, entitled "An act to amend section nine of an act entitled an act touching the relation of guardian and ward, approved June 9, 1852."

Read the first time and referred to the committee on the judiciary.

Mr. Foster introduced Senate Bill No. 184, entitled "An act to prevent the practice of resorting to distant courts to oppress the

citizens of Indiana, and deprive them of their rights under the statutes of Indiana."

Read the first time and referred to the committee on the judiciary.

Mr. Ragan introduced Senate Bill No. 185, entitled "An act to provide for the purchase by the State Librarian of one hundred and fifty copies of the Revised Statutes for the use of the members of the General Assembly, prescribing how the same shall be preserved for the use of each succeeding General Assembly, and upon what terms the members thereof may obtain the use of said statutes."

Read the first time and referred to the committee on the judiciary.

On motion the Senate adjourned.

AFTERNOON SESSION.

JANUARY 20, 1879.

The Senate reassembled at 2 o'clock P. M.

The Lieutenant-Governor announced as the committee on sanitary purposes, Messrs. Sarnighausen, Mercer, Moore, Dice, Menzies, Woollen and Shaffer.

Mr. Harris offered the following protest, and asked that the same be spread of record in the Journal of to-day:

Be it known that on the 9th day of January, 1879, the Senate met, fifty Senators being present in their seats, when Senator Reeve introduced a resolution for the election of the officers of the Senate, and demanded the previous question thereon, which resolution appears upon the Journal of that date. The ayes and noes being demanded, the Lieutenant-Governor being in the chair, I rose to the point of order that the resolution was out of order, because, by the constitution, it is declared, "All elections by the General Assembly, or by either branch thereof, shall be *viva voce*." Article 2, section 13.

The Lieutenant-Governor said the vote would be so taken, by ayes and noes, and refused to entertain the point of order, and declared the Senator was out of order.

Thereupon I announced that I appealed from the decision of the Lieutenant-Governor to the Senate, and Senator Grubbs joined in

the appeal, the ground being that an aye and noe vote was not a *viva voce* vote in an election of officers of the Senate. But the Lieutenant-Governor refused to entertain the appeal, or submit it to the Senate for decision, deciding that it was no point of order. To which ruling of the Lieutenant-Governor I then and there protested as being unparliamentary, in violation of the law and the constitution. I then demanded a division of the question, which was granted, the Lieutenant-Governor announcing that the vote would be taken separately on each officer named in the resolution.

Be it also known that the Auditor of State, being at the clerk's desk, the Lieutenant-Governor directed him to call the roll on the adoption of the first proposition in the resolution, to-wit:

That Daniel D. Dale be chosen Secretary of the Senate, which he did, and thereupon the Lieutenant Governor announced the result of the roll to be, ayes 25 and noes 25, and thereupon directed the Auditor of State to call the President, and proceeded to state that the chair vote aye. Thereupon I again rose to the point of order, that in the organization of the Senate the Lieutenant-Governor was out of order in giving the casting vote, because, under the constitution, "each house when assembled shall choose its own officers, the President of the Senate excepted." Article 4, section 10.

That the Lieutenant-Governor was not a member of the Senate, (upper house), but an officer only and not an integral part of such house, and because, under the statutes in force in the organization, the Lieutenant-Governor being present organizing the Senate has no greater power than the Auditor would have, had he announced the vote, which point of order the chair refused to entertain or submit to the Senate. And thereupon I appealed to the Senate from the ruling of the chair, and Senator Grubbs joined in the appeal, but the chair refused to entertain the appeal to the Senate, declaring that it was no point of order; that the statutes, 1 Davis' Revised Statutes, 1876, page 512, section 11, authorized the Auditor of State to organize the Senate only in the absence of the Lieutenant-Governor; that he, the Lieutenant-Governor, was present organizing the Senate and had the same right to vote as a Senator, and would entertain no point of order that implied that he was not Lieutenant-Governor and President of the Senate. Constitution, Article 5, Section 21. And, therefore, there was nothing to appeal from and refused to take any action in the premises but peremptorily ordered the Senator to take his seat. And thereupon I demanded leave to

enter my protest upon the Journal, which the Lieutenant-Governor said should be done when a secretary was chosen and qualified.

Believing "it is the duty of every person clothed with the power of office to observe the law as heretofore interpreted and understood" (S. J. 1877, p. 54), and believing said rulings were contrary to the constitution and parliamentary law, I hereby protest against the same:

First. Because it is the right of any Senator to appeal from any decision of the chair to the Senate on the construction of the constitution, or on any point of order, or on the refusal of the chair to entertain the point of order. And then it is for the Senate to construe the constitution and declare its effect.

Second. Because when the previous question is pending that does not cut off the right to question the order or regularity of the main proceeding. And when that is questioned by any Senator rising to a point of order, which, being overruled or denied by the chair, and an appeal is taken to the Senate and seconded, such appeal must be decided by the Senate before proceeding with any other business.

This right of appeal being one which belongs to every Senator, and of which he may not be rightfully deprived, I hereby record my protest against the foregoing action and practice, lest at some other time it might be cited as a precedent.

ADDISON C. HARRIS.

GEORGE W. GRUBBS.

We, the undersigned Senators, hereby join in the above protest for the reasons hereinbefore stated.

William Heilman, S. M. Taylor, W. B. F. Treat, B. Shirk, W. M. Mercer, A. H. Shaffer, Milton Trusler, E. W. Weir, E. R. Wilson, Francis M. Dice, N. Cadwallader, W. A. Moore, D. W. Comstock, B. L. Davenport, B. H. Langdon, M. Garrigus, Walter Olds, Charles Kahlo, A. D. Streight, M. C. Smith, Moses Poindexter, W. H. Ragan.

Mr. Olds introduced[†] Senate Bill No. 186, entitled "An act to amend section 3 of an act entitled an act to provide for the election and certain of the duties of prosecuting and district attorneys, approved June 11, 1852, and to provide certain duties of justices of the peace, and other courts having jurisdiction for issuing of process for the apprehension of persons charged with felonies or misdemeanors, and provide for the attendance of witnesses to testify in relation to the commission of felonies or misdemeanors."

Read the first time and referred to the committee on the organization of courts.

Mr. Fowler introduced Senate Bill No. 187, entitled "An act amending sections 1, 2 and 20 of an act providing for the election and appointment of Supervisors of highways and prescribing certain of their duties and those of county and township officers in relation thereto and to repeal all laws inconsistent therewith" approved March 5, 1877.

Read the first time and referred to the committee on the judiciary.

Mr. Traylor introduced Senate Bill No. 188 entitled "An act to amend section 1 of an act entitled an act to provide for township elections," approved March 3, 1877.

Read the first time and referred to the committee on elections.

Mr. Harris introduced Senate Bill No. 189, entitled "A bill for an act to amend section 6 of an act to provide for the sale of property held in trust in certain cases, as therein provided," approved February 4, 1875.

Read the first time and referred to the committee on the judiciary.

Mr. Grubbs introduced Senate Bill No. 190, entitled "An act to amend section 1 of an act entitled 'an act to exempt property from sale in certain cases,' approved February 17, 1852."

Read the first time and referred to the committee on the judiciary.

Mr. Grubbs introduced Senate Bill No. 191, entitled "A bill to amend sections 1 and 2 of an act entitled an act concerning interest on money, and to provide for recoupment of usurious interest," approved March 9, 1867.

Read the first time and referred to the committee on the judiciary.

Mr. Grubbs introduced Senate Bill No. 192, entitled "An act to amend section 468 of an act entitled an act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice without distinction between law and equity," approved June 18, 1852."

Read the first time and referred to the committee on the judiciary.

Mr. Ragan introduced Senate Bill No. 193, entitled "An act relating to penal ordinances of incorporated towns and cities."

Read the first time and referred to the committee on the judiciary.

Mr. Comstock introduced Senate Bill No. 194, entitled "An act to amend section 2 of an act entitled an act defining who shall be competent witnesses in any court or judicial proceeding in this State, and to repeal all laws and parts of laws in conflict with the provisions of this act, approved March 11, 1867."

Read the first time and referred to the committee on the judiciary.

Mr. Reeve offered the following resolution:

Resolved by the Senate (the House of Representatives concurring therein), That inasmuch as important public works have been commenced by towns and cities in this State for supplying of water and other public necessities, the suspension of which for want of funds, or inability to issue bonds, would result in irreparable loss and injury, and the immediate approval, by the electors of the State of the constitutional amendment No. 9, limiting taxation to two per cent. may work much injury; therefore, in submitting to the electors such amendments as may be agreed to by the present General Assembly, the said amendment to the constitution, No. 9, shall be voted upon by the electors at the general election in 1880, and not before, without regard to the time when any other of the proposed amendments shall be submitted. And in providing for the submission of said amendments to the electors, the General Assembly shall provide as in this resolution is declared, for the submission of said amendment No. 9.

Mr. Langdon moved to lay the resolution on the table.

Which was agreed to.

Mr. Reeve offered the following resolution:

Resolved, That in all cases where a bill shall be reported from a committee with recommendation that it do pass, that as a matter of course one hundred copies of such bill shall be printed for use of the Senate, and be laid on the desks of members.

Which was agreed to.

Senate Bill No. 4, entitled "An act to repeal an act to establish a superior court in the county of Wayne, etc., approved March 10,

1877, was read the second time, together with the report of the committee recommending its passage with certain amendments."

Which was concurred in and the bill ordered engrossed for the third reading.

Senate Bill No. 29 amending an act approved March 8, 1873, amending an act providing for a general system of common schools, etc., was taken up with the report of the committee recommending that it be indefinitely postponed.

The report was concurred in.

Senate Bill No. 30, authorizing guardians to settle the estates of deceased wards, with the report of the committee recommending that it be indefinitely postponed, was taken up and on motion of Mr. Reeve, was recommitted to the committee on the judiciary.

Senate Bill No. 50, amending an act providing for the election and qualification of justices of the peace, etc., was taken up, with the report of the committee recommending its passage with a certain amendment thereto.

The report was concurred in, and the bill ordered engrossed for the third reading.

Senate Bill No. 52, for the repeal of an act providing for struck juries, with the report of the committee recommending that it be indefinitely postponed, was taken up and the report of the committee concurred in.

Senate Bill No. 73, to declare that aliens shall take real and personal estate in the State of Indiana by descent or devise, together with the report of the committee, was taken up and the report, recommending that it be indefinitely postponed, was concurred in.

Senate Bill No. 76, to amend the act simplifying the rules and practice in criminal actions, etc., with the report of the committee recommending that it be indefinitely postponed, was taken up and the report concurred in.

The Senate adjourned.

(Approved.)

ISAAC P. GRAY,
President of the Senate.

TUESDAY MORNING.

JANUARY 21, 1879.

The Senate met at 10 o'clock, with Lieutenant-Governor Gray in the chair.

The session was opened with prayer by the Rev. J. H. Razer, of the Christian Church.

The journal of yesterday was read and approved.

The following message was received from the House by the Clerk thereof:

MR. PRESIDENT:

I am directed by the Speaker of the House to inform the Senate that the House has passed the following resolution, to-wit:

Resolved, That the members of this House meet in this hall at half-past two o'clock in the afternoon on Tuesday, the 21st day of January, A. D. 1879, for the purpose of voting for a Senator in the Congress of the United States for the remainder of the term to expire on the 3d of March, 1879; and, also, for the term commencing the 4th day of March, 1879, and that the Senate be informed of the passage of this resolution.

And the same is herewith transmitted to the Senate.

Mr. Sarnighausen moved that all bills and papers on sanitary purposes referred to special committees be now referred to the standing committees.

Which was agreed to.

Mr. Briscoe presented a petition from citizens of Jay county praying for a reduction of the salaries of county officers, etc.

Which was referred to the committee on fees and salaries.

Mr. Reeve presented a petition from the citizens of Marshall county on the subject of intoxicating liquors.

Which was referred to the committee on temperance.

Mr. Shaffer presented a petition from citizens of Huntington county praying for the repeal of the present temperance law.

Which was referred to the committee on temperance.

Mr. Grubbs, from the committee on the judiciary, reported as follows:

MR. PRESIDENT:

The committee on the judiciary, to whom was referred Senate bill No. 100, entitled "An act regulating numbers of grand juries," etc., have had the same under consideration and a majority of the committee have ordered me to report the bill, with the recommendation that it be indefinitely postponed.

Mr. Comstock, from the committee on the judiciary, reported as follows:

MR. PRESIDENT:

The committee on the judiciary, to whom was referred Senate Bill No. 125, entitled "An act providing for the punishment of persons having stolen property in their possession," etc., have had the same under consideration, and I am directed to report the bill with the following amendment:

Strike out the whole of section 3.

And when so amended recommend that the bill do pass.

Mr. Comstock, from the committee on the judiciary, reported as follows:

MR. PRESIDENT:

The committee on the judiciary, to whom was referred Senate Bill No. 121, entitled "An act to repeal section 1 of an act defining certain misdemeanors concerning provoke," etc., have had the same under consideration, and I am directed to report the bill with the recommendation that it be indefinitely postponed.

Mr. Viehe, from the committee on the judiciary, reported as follows:

MR. PRESIDENT:

Your committee on the judiciary, to whom was referred Senate Bill No. 34, entitled "An act providing for voluntary assignments," etc., have had the same under consideration and recommend that the bill be amended as follows:

First. In section 2, line 4, between the words "debtor" and "in," insert the following: "and all judgments confessed."

Second. In line 5, of the same section, strike out the word "and," and in lieu thereof insert the word "or."

Third. After the word "creditors," in line 7, insert the following: "having notice of the insolvency."

Fourth. Strike out the words, in the same section, "all the creditors of the said insolvent, in proportion to the amount of their respective claims," and insert in lieu thereof the words, "the assignee for the use of the trust."

Fifth. In line 13, of section 3, between the words "list" and "of," insert "and description."

Sixth. In section 4, line 20, between the words "action" and "if," insert "or omission." And add to said section the following: "And the court may, at any time, when it appears that the bond or surety is insufficient, require new bond to be executed within such time as the court may fix."

Seventh. Add to section 13 the following: "And shall notify, by mail, the creditors whose claims he refused to allow."

Eighth. In section 16, at the end of line 9, add "or allowed by the court."

Ninth. In section 18, line 3, after the word "court," insert "or the judge thereof in vacation."

Tenth. In section 19, line 2, after the word "many," insert "under the order of the court, or the judge in vacation." And add to the section, "or may sell the same after giving reasonable notice."

Eleventh. In section 20 strike out, from lines 1 and 2, the words "judge of the circuit court," and insert "court, or judge in vacation."

Twelveth. In section 21, line 19, strike out the words "and their," and insert "whose;" in line 19, after "claimed" insert "are unsecured."

Thirteenth. Add to section 22:

Proof of the publication shall be made as in other cases, and the mailing of the notices shall be proved by the affidavit of the insolvent or other competent person.

Fourteenth. In section 25, clause 3, after the words "shall" insert the word "destroy."

Fifteenth. In section 27 strike out the words "entitled to one dollar per day each," and insert "allowed by the court."

Sixteenth. In section 28 strike out all after 1859 and insert in lieu thereof:

Provided, That said act shall nevertheless remain in full force as to all requirements made in pursuance of its provisions before the taking effect of this act, and all proceedings shall be had in matters of such assignments as if said act had not been repealed.

And when so amended your committee recommend that the bill do pass.

Mr. Kent, from the committee on the judiciary, reported as follows:

MR. PRESIDENT:

Your committee on the judiciary, to whom was referred Senate Bill No. 16, "An act in relation to change of venue from justices of the peace," etc., have had the same under consideration, and I am directed to report the bill with the recommendation that it be indefinitely postponed, for the reason that Senate Bill No. 50 provides for the same object, and has been favorably reported by this committee.

Mr. Kent, from the committee on the judiciary, reported as follows:

MR. PRESIDENT:

A minority of the committee on the judiciary, to whom was referred Senate Bill No. 110, "An act to amend section 1 of an act concerning the fees of attorneys embodied in notes, drafts and bills of exchange, and declaring the same illegal and void, have had the same under consideration and report the bill, with the recommendation that it do pass.

Mr. Coffey, from the joint committee on enrolled bills, reported as follows:

MR. PRESIDENT:

Your joint committee on enrolled bills have examined House Bill No. 1, and find the same correctly enrolled.

Mr. Grubbs, from the committee on the judiciary, made the following report:

MR. PRESIDENT:

The committee on the judiciary, to whom was referred Senate Bill No. 110, "An act to amend section 1 of an act concerning fees of attorneys embodied in notes, drafts, bills of exchange, etc., and declaring the same illegal and void," have had the same under consideration and I am directed to report the bill, with the recommendation that it be referred to the committee on rights and privileges of the inhabitants of the State.

Which was concurred in.

Mr. Burrell, from the committee on the judiciary, reported as follows:

MR. PRESIDENT:

The committee on the judiciary, to whom was referred Senate Bill No. 63, entitled "An act supplemental to an act entitled an act to exempt property from sale," etc., have had the same under consideration, and I am directed to report the bill back with the recommendation that it be indefinitely postponed.

Mr. Viehe offered the following resolution:

Resolved, That at the hour of 2:30 o'clock, this day, the Senate proceed to vote for a Senator to represent this State in the Senate of the United States, for the unexpired term occasioned by the death of the late Senator O. P. Morton, and also to vote for a Senator for this State in the United States Senate for the term commencing March 4, 1879.

Which was adopted.

Mr. Reeve moved to reconsider the vote adopting his order of yesterday for the printing of bills.

Which was agreed to.

Mr. Reeve then offered the following resolution:

Resolved, That in all cases where a bill shall be reported from a committee with a recommendation that it do pass, they shall recommend the printing of the bill if they deem its importance demands it, and when so recommended, that two hundred copies shall be printed for the use of the Senate, and be laid on the desks of members.

Which was adopted.

Mr. Streight offered the following resolution:

WHEREAS, At the last State convention of the Democratic party of the State of Indiana, that party demanded the immediate repeal of the "Resumption Law," and

WHEREAS, We believe the repeal of said law would be impolitic, unwise and detrimental to the best interests of the county, and

WHEREAS, We believe in, and fully indorse the doctrines of Andrew Jackson, once president of the United States, that gold and silver, and paper money based thereon and convertible therein, at the pleasure of the holder, constitute the only safe currency for the people, and

WHEREAS, Under the resumption law aforesaid the dollar now paid to the laborer, is equal in value to the dollar paid by the Government to the bond holders, therefore be it

Resolved by the Senate of the State of Indiana (the House of Representatives concurring herein), That our Senators in Congress be and they are hereby requested and our Representatives are instructed to oppose, by all honorable means, the repeal of the resumption law of the United States, which went into effect on the 1st day of January, 1879.

Resolved, That the Secretary of State be requested to forward to each of our Senators and Representatives a properly authenticated copy of the foregoing preamble and resolutions.

Mr. Streight moved the previous question.

The Senate seconded the demand—ayes, 21; noes, 16.

The question recurring on the adoption of the resolution, the ayes and noes being demanded by Messrs. Streight and Grubbs, they were ordered and taken, resulting as follows:

Those who voted in the affirmative were: Senators Cadwallader, Comstock, Davenport, Dice, Garrigus, Grubbs, Harris, Heilman, Langdon, Menzies, Mercer, Moore, Olds, Ragan, Reeve, Sarnighausen, Shaffer, Shirk, Smith, Streight, Treat, Trusler, Weir, Wilson and Winterbotham—25.

Those who voted in the negative were: Senators Benz, Briscoe, Burrell, Coffey, Davis, Donham, Foster, Fowler, Hart, Kent, Kramer, Leeper, Major, Peterson, Poindexter, Reiley, Tarlton, Traylor, Urmstan, Viehe, Wood and Woollen—22.

The resolution was adopted.

Mr. Major being absent when the roll was called, but coming in before the vote was announced his name was directed to be called.

Mr. Burrell moved that Mr. Major be excused from voting.

Messrs. Harris and Langdon demanded the ayes and noes, which being ordered and taken resulted as follows:

Those who voted in the affirmative were: Senators Burrell, Coffey, Davis, Dice, Donham, Foster, Fowler, Kent, Kramer, Leeper, Peterson, Ragan, Reeve, Reiley, Sarnighausen, Shaffer, Shirk, Smith, Tarlton, Urmstan, Viehe, Winterbotham, Wood and Woollen—24.

Those who voted in the negative were: Senators Benz, Briscoe, Cadwallader, Comstock, Davenport, Garrigus, Grubbs, Harris, Hart, Heilman, Langdon, Menzies, Mercer, Moore, Olds, Poindexter, Streight, Traylor, Treat, Trusler, Weir and Wilson—22.

The motion was agreed to.

Mr. Streight introduced the following resolution:

Resolved, That the Senate of the State of Indiana will vote for no man for United States Senator who voted for, took and kept the congressional back pay, commonly called the salary grab, as no such man is entitled to the vote of the members of this Senate for the high and honorable position of Senator of the United States.

Mr. Streight moved the previous question.

The following message was received from the House by the Clerk thereof:

MR. PRESIDENT:

I am directed by the Speaker of the House to inform the Senate that the Speaker has signed enrolled House bill No. 1, entitled "An act appropriating one hundred and twenty-five thousand dollars to defray the expenses of the fifty-first regular session of the General Assembly of the State of Indiana, and other matters connected therewith," and the same is herewith submitted to the Senate for the signature of the President thereof.

The question recurring on the demand for the previous question, Messrs. Streight and Langdon demanded the ayes and noes, which being ordered and taken, resulted as follows:

Those who voted in the affirmative were: Senators Cadwallader, Comstock, Davenport, Dice, Garrigus, Grubbs, Harris, Heilman, Langdon, Mercer, Moore, Olds, Poindexter, Ragan, Shaffer, Shirk, Streight, Treat, Trusler, Weir and Wilson—21.

Those who voted in the negative were: Senators Benz, Biscoe, Burrell, Coffey, Davis, Donham, Foster, Fowler, Hart, Kent, Kramer, Leeper, Major, Menzies, Peterson, Reeve, Reiley, Sarnighausen, Smith, Tarlton, Traylor, Urmstan, Viehe, Winterbotham, Wood and Woollen—26.

The Senate refused to second the demand.

Mr. Viehe moved to lay the resolution on the table.

Messrs. Streight and Grubbs demanded the ayes and noes, which being ordered and taken, resulted as follows:

Those who voted in the affirmative were: Senators Burrell, Coffey, Davis, Dice, Donham, Foster, Fowler, Kent, Kramer, Leeper, Peterson, Ragan, Reeve, Reiley, Sarnighausen, Shaffer, Shirk, Smith, Tarlton, Urmstan, Viehe, Winterbotham, Wood and Woollen—24.

Those who voted in the negative were: Senators Benz, Briscoe, Cadwallader, Comstock, Davenport, Garrigus, Grubbs, Harris, Hart, Heilman, Langdon, Menzies, Mercer, Moore, Olds, Poindexter, Streight, Traylor, Trusler, Weir and Wilson—22.

The motion to lay on the table was agreed to.

Mr. Menzies offered the following resolution:

Resolved, That no one shall be voted for, for United States Senator, who has been engaged in Venezuela bonds speculations.

Upon which he demanded the previous question.

The demand was seconded by the Senate.

The main question was ordered, and the question being on the adoption of the resolution, Messrs. Langdon and Wilson demanded the ayes and noes, which being ordered and taken resulted as follows:

Those who voted in the affirmative were: Senators Benz, Burrell, Cadwallader, Comstock, Davenport, Dice, Foster, Fowler, Garrigus, Grubbs, Harris, Hart, Heilman, Kent, Langdon, Leeper, Major, Menzies, Mercer, Moore, Olds, Peterson, Poindexter, Ragan, Reiley, Shaffer, Shirk, Streight, Tarlton, Treat, Trusler, Urmstan, Weir, Wilson, Winterbotham and Woollen—36.

Those who voted in the negative were: Senators Briscoe, Coffey, Davis, Donham, Reeve, Sarnighausen, Smith, Traylor, Viehe and Wood—10.

The resolution was adopted.

Mr. Grubbs, from the committee on the judiciary, reported as follows:

MR. PRESIDENT:

The committee on the judiciary, to whom was referred Senate bill No. 78, entitled "An act to amend section 344 of the Practice act," have had the same under consideration, and I am directed to report the bill with the recommendation that it lie upon the table.

The Senate adjourned.

AFTERNOON SESSION.

JANUARY 21, 1879.

The Senate reassembled at 2 o'clock P. M. Lieutenant-Governor Gray in the chair.

Mr. Menzies moved a call of the roll, which was agreed to, showing all the Senators present except Mr. Kahlo.

Mr. Kent offered the following resolution :

Resolved, That the Senate proceed first to the election of United States Senator for the term ending March 4 next.

Which was agreed to.

The Lieutenant-Governor announced that nominations for United States Senator were in order.

Mr. Reeve placed in nomination the Hon. D. W. Voorhees.

Mr. Langdon placed in nomination the Hon. Godlove S. Orth.

Mr. Poindexter placed in nomination the Hon. James Buchanan.

Those who voted for Mr. Voorhees were: Senators Benz, Briscoe, Burrell, Coffey, Davis, Donham, Foster, Fowler, Hart, Hefron, Kent, Kramer, Leeper, Major, Menzies, Peterson, Reeve, Reiley, Sarnighausen, Tarlton, Traylor, Urmstan, Viehe, Winterbotham, Wood and Woollen—26.

Those who voted for Mr. Orth were: Senators Cadwallader, Comstock, Davenport, Dice, Garrigus, Grubbs, Harris, Heilman, Langdon, Mercer, Moore, Olds, Ragan, Shaffer, Shirk, Smith, Streight, Taylor, Treat, Trusler, Weir and Wilson—22.

Senator Poindexter voted for Mr. Buchanan.

Mr. Voorhees having received a majority of all the votes cast was declared duly elected Senator on the part of the Senate for the unexpired term, ending March 4, 1879.

Mr. Kent moved that the Senate now proceed to the election of a United States Senator for the term of six years from the 4th of March, 1879.

Nominations being in order, Mr. Reeve placed in nomination Hon. D. W. Voorhees.

Mr. Grubbs placed in nomination Hon. Benjamin Harrison.

Mr. Poindexter placed in nomination Hon. James Buchanan.

The roll being called, the vote resulted as follows:

Those who voted for Mr. Voorhees were: Senators Benz, Briscoe, Burrell, Coffey, Davis, Donham, Foster, Fowler, Hart, Hefron, Kent, Kramer, Leeper, Major, Menzies, Peterson, Reeve, Reiley, Sarnighausen, Tarlton, Traylor, Urmstan, Viehe, Winterbotham; Wood and Woollen—26.

Those who voted for Mr. Harrison were: Senators Cadwallader, Comstock, Davenport, Dice, Garrigus, Grubbs, Harris, Heilman, Langdon, Mercer, Moore, Olds, Ragan, Shaffer, Shirk, Smith, Streight, Taylor, Treat, Trusler, Weir and Wilson—22.

Senator Poindexter voted for Mr. Buchanan.

Mr. Voorhees having received a majority of all the votes cast, was declared duly elected Senator on the part of the Senate for the term of six years beginning March 4, 1879.

Mr. Menzies moved to reconsider the vote adopting the joint resolution of Senator Streight.

Mr. Streight moved to lay the motion on the table.

The ayes and noes were demanded by Messrs. Streight and Grubbs, and being ordered and taken, resulted as follows:

Those who voted in the affirmative were: Senators Cadwallader, Comstock, Davenport, Davis, Dice, Garrigus, Grubbs, Harris, Heilman, Langdon, Mercer, Moore, Olds, Poindexter, Ragan, Sarnighausen, Shaffer, Shirk, Smith, Streight, Taylor, Treat, Trusler, Weir and Wilson—25.

Those who voted in the negative were: Senators Benz, Briscoe, Burrell, Coffey, Donham, Foster, Fowler, Hart, Hefron, Kent, Kramer, Major, Menzies, Peterson, Reiley, Tarlton, Traylor, Urmstan, Viehe, Winterbotham, Wood and Woollen—22.

The motion to lie on the table was agreed to.

The order now being bills on third reading, engrossed Senate Bill No. 50, entitled "An act to amend section 30 of an act entitled an act providing for the election and qualification of justices of the peace, and defining their jurisdiction and powers," was taken up and read the third time.

[The question being, shall the bill pass?

The ayes and noes were taken, resulting as follows:

Those who voted in the affirmative were: Senators Benz, Biscoe, Burrell, Cadwallader, Coffey, Comstock, Davenport, Davis, Dice, Donham, Foster, Fowler, Garrigus, Grubbs, Harris, Hart, Hefron, Heilman, Kent, Kramer, Langdon, Major, Menzies, Mercer, Moore, Olds, Peterson, Poindexter, Ragan, Reiley, Shaffer, Shirk, Smith, Streight, Tarlton, Taylor, Traylor, Treat, Trusler, Urmstan, Viehe, Weir, Wilson, Winterbotham, Wood and Woollen—44.

No one voting in the negative.

The bill passed.

Engrossed Senate Bill No. 4, entitled "An act to repeal an act entitled an act to establish a superior court in the county of Wayne, defining its jurisdiction, and providing for the election and compensation of the judge thereof, approved March 10, 1877, and providing for the transfer of business pending in said court to the circuit court of said county," was then taken up and read the third time.

The question being, shall the bill pass?

The ayes and noes were taken, resulting as follows:

Those who voted in the affirmative were: Senators Benz, Biscoe, Burrell, Cadwallader, Coffey, Comstock, Davenport, Davis, Dice, Donham, Fowler, Garrigus, Grubbs, Harris, Hart, Hefron, Heilman, Kent, Kramer, Langdon, Major, Menzies, Mercer, Moore, Olds, Peterson, Poindexter, Ragan, Reiley, Sarnighausen, Shaffer, Shirk, Smith, Streight, Tarlton, Taylor, Traylor, Treat, Trusler, Urmstan, Viehe, Weir, Wilson, Winterbotham, Wood and Woollen—46.

No one voting in the negative.

The bill passed.

Leave of absence was asked and obtained for Mr. Fowler on account of sickness in his family.

Mr. Viehe introduced Senate Bill No. 195, entitled "An act providing for the redemption of real property, or any interest therein, sold on execution, to provide for deeds of conveyance in such cases, and to repeal an act therein named."

Read the first time and referred to the committee on the judiciary.

Mr. Streight introduced Senate Bill No. 196, entitled "An act regulating the tolls charged on plank, macadamized or gravel roads located on road-beds ceded by the United States to the State of Indiana, and matters properly connected therewith."

Read the first time, and referred to the committee on roads.

Mr. Kent introduced Senate Bill No. 197, entitled "An act to protect the ballot-box, to procure a fair election, and to prevent the sale and barter of votes, and defining certain misdemeanors, and prescribing punishments therefor."

Read the first time, and referred to the committee on elections.

Mr. Cadwallader introduced Senate Bill No. 198, entitled "An act prescribing certain duties of railroad companies, and requiring such companies to sound the whistle on all locomotive engines at the crossings of any turnpike or other public highway, prescribing penalties and punishment for violations thereof, and repealing all laws in conflict therewith."

Read the first time, and referred to the committee on railroads.

Mr. Benz introduced Senate Bill No. 199, entitled "An act to amend the first and second sections of an act entitled 'an act providing for the organization of county boards, and prescribing some of their powers and duties,' approved June 17, 1852."

Read the first time, and referred to the committee on county and township business.

Mr. Kramer introduced Senate Bill No. 200, entitled "An act to amend an act entitled an act to amend section 315 of an act entitled an act to revise, simplify, and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State, to abolish distinct forms of action at law and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity," approved June 18, 1852, as amended by an act entitled "An act to amend section 315 of an act entitled an act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State, to abolish distinct forms of action at law and to provide for the administration of justice in a uniform mode of practice, without distinction between law and equity," approved March 9, 1861, approved March 6, 1877.

Read the first time and referred to the committee on the judiciary.

Mr. Dice, by request, introduced Senate Bill No. 201, entitled "An act to amend section 4 of an act entitled an act in relation to plank, macadamized, tram and gravel road companies."

Read the first time and referred to the committee on roads.

Mr. Poindexter introduced Senate Bill No. 202, entitled "An act amending section 26 of an act entitled an act to provide for a general system of common schools, the officers thereof and their respective powers and duties, and matters properly connected therewith, and prescribing the fees for certain officers therein named, and for the establishment and regulation of township libraries, and to repeal all laws in conflict therewith, and providing penalties therein prescribed," approved March 6, 1865.

Read the first time and referred to the committee on education.

Mr. Coffey, by request, introduced Senate Bill No. 203, entitled "An act providing for the election, selection and empanneling jurors in the circuit courts, for their compensation, prescribing their qualifications, affixing penalties for misconduct and repealing all laws in conflict herewith."

Read the first time and referred to the committee on the organization of courts.

Mr. Olds moved that 200 copies of Senate Bill No. 34 be printed. Which was agreed to.

Mr. Wilson introduced Senate Bill No. 204, entitled "An act fixing the per diem and mileage of members of the General Assembly, also fixing the per diem and pay of all officers and employes of the General Assembly, abolishing the office of janitor to the standing committees of the General Assembly, repealing all laws in conflict with this act, and declaring an emergency."

Read the first time and referred to the committee on fees and salaries.

The Senate adjourned.

(Approved.)

ISAAC P. GRAY,
President of the Senate.



WEDNESDAY MORNING.

JANUARY 22, 1879.

Senate met at 10 o'clock, Lieutenant-Governor Gray in the chair.

The session was opened with prayer by the Rev. W. B. F. Treat.

The Journal of yesterday was read and approved.

There being no bills on third reading bills on second reading became the regular order.

Senate Bill No. 16, with the report of the committee recommending its indefinite postponement, was taken up, the bill read the second time, with the report of the committee, and, on motion of Mr. Kent, was recommitted to the committee on the judiciary.

Senate Bill No. 63, "A bill supplemental to an act entitled an act to exempt property in certain cases," was taken up and read the second time, with the report of the committee that it be indefinitely postponed, and, on motion of Mr. Reeve, the bill was recommitted to the committee on the judiciary.

The following communication was received from the Speaker of the House:

HALL OF REPRESENTATIVES,
JANUARY 22, 1879.

To the Hon. Isaac P. Gray,

Lieutenant-Governor and President of the Senate:

SIR: In compliance with the act of Congress and the resolution of this House, a joint convention of the Senate and House will be held in this hall at 12 o'clock M., of this day, to compare the votes taken on yesterday in the two houses acting separately in the matter of electing a Senator for the State of Indiana in the Congress of the United States. Seats will be prepared for the members of the Senate in this hall, and in order to prevent confusion and that the joint convention may assemble in proper order and decorum, a committee of members of this House will wait upon the Senate and inform that body of the readiness of the House to receive them and to escort the Senators to the seats prepared for them in this hall.

Your obedient servant,

HENRY S. CAUTHORN,
Speaker of the House of Representatives.

Senate Bill No. 110, entitled "A bill to amend section 1 of an act entitled an act declaring agreements to pay attorney's fees contained in bills of exchange, notes, drafts, etc.," was taken up and read the second time, with a majority and minority report from the judiciary committee.

Mr. Weir moved to recommit the bill to the judiciary committee.

A committee from the House appearing to conduct the Senate to the Hall of the House of Representatives, for the purpose of comparing the vote of yesterday for United States Senator, as required by act of Congress, the Senate proceeded to the Hall of the House. The Lieutenant-Governor called the Joint Assembly to order, and directed the Assistant Secretary of the Senate to read that part of the Senate Journal of yesterday referring to the action of the Senate on the election of a United States Senator for the unexpired term of the late Senator, Oliver P. Morton, by which it appeared that Hon. Daniel W. Voorhees, Hon. Godlove S. Orth and Hon. James Buchanan were voted for for United States Senator, and that by a viva voce vote of the Senators Daniel W. Voorhees received 26 votes; Godlove S. Orth, 22 votes; and James Buchanan, 1 vote. By direction of the Lieutenant Governor the Assistant Clerk of the House then read from the House Journal of yesterday that part of the proceedings referring to the election of a United States Senator for the unexpired term of the late Senator Oliver P. Morton, by which it appeared that Hon. Daniel W. Voorhees, Hon. Godlove S. Orth, Hon. James Buchanan and General James M. Shackelford were voted for, for said office of United States Senator, by a viva voce vote of the House; that Mr. Voorhees had received 57 votes; Mr. Orth, 37 votes; Mr. Buchanan, 2 votes; and Mr. Shackelford, 1 vote.

Mr. Voorhees having received a majority of all the votes cast in the Senate, and a majority of all the votes cast in the House, the Lieutenant-Governor declared him duly elected United States Senator for the unexpired term of the late Senator Morton, ending March 4, 1879.

The Lieutenant-Governor then directed the Assistant Secretary of the Senate to read that part of the Senate Journal of yesterday referring to the action of the Senate on the election of a United States Senator for the term of six years, commencing on the 4th day of March, 1879, by which it appeared that Hon. Daniel W. Voorhees, Hon. Benjamin Harrison, and Hon. James Buchanan

were voted for for United States Senator; and by a viva voce vote of the Senators, Daniel W. Voorhees received 26 votes, Benjamin Harrison 22 votes, and James Buchanan 1 vote.

The Lieutenant-Governor then directed the Assistant Clerk of the House to read that part of the House Journal of yesterday that referred to the election of a United States Senator for the term of six years, commencing on the 4th day of March, 1879, by which it appeared that Hon. Daniel W. Voorhees, Hon. Benjamin Harrison, Hon. James Buchanan, and Gen. James M. Shackleford were voted for for said office of United States Senator by a viva voce vote of the House; that Mr. Voorhees had received 57 votes, Mr. Harrison 37 votes, Mr. Buchanan 1 vote, and General Shackleford 1 vote.

Mr. Voorhees having received a majority of all the votes cast in the Senate, and a majority of all the votes cast in the House, the Lieutenant-Governor declared him duly elected United States Senator for the term of six years, commencing the 4th day of March, 1879.

The purpose for which the joint assembly was convened having been accomplished, the Lieutenant-Governor declared the same adjourned.

The Senate then repaired to its chamber, and was called to order by Lieutenant-Governor Gray.

Upon motion the Senate adjourned until 2 o'clock.

AFTERNOON SESSION.

JANUARY 22, 1879.

The Senate reassembled at 2 o'clock, Lieutenant-Governor Gray in the chair.

Mr. Menzies offered the following resolution:

Resolved, That the privileges of the floor of the Senate are hereby extended to the veterans of the Mexican war during the remainder of the session.

Which was adopted.

Mr. Streight moved that a committee of three be appointed by the chair to wait upon the veterans of the Mexican war and notify them of the adoption of the above resolution.

Which was adopted.

The Lieutenant-Governor made said committee to consist of Senators Menzies, Langdon and Wood.

Mr. Menzies then asked leave for his committee to retire and perform its duties, which was granted.

The question recurring upon the motion of Mr. Weir to recommit Senate Bill No. 110, the ayes and noes were demanded by Messrs. Kent and Foster.

Which being ordered and taken, resulted as follows:

Those who voted in the affirmative were: Senators Comstock, Davenport, Garrigus, Grubbs, Heilman, Leeper, Mercer, Moore, Olds, Ragan, Reeve, Shirk, Streight, Taylor and Weir—15.

Those who voted in the negative were: Senators Benz, Briscoe, Burrell, Cadwallader, Coffey, Davis, Dice, Donham, Foster, Harris, Hart, Hefron, Kent, Kramer, Major, Peterson, Poindexter, Reilly, Sarnighausen, Shaffer, Tarlton, Traylor, Treat, Trusler, Urmstan, Viehe, Wilson, Winterbotham and Woollen—29.

The motion was not agreed to.

Mr. Olds moved to lay the minority report on the table. The ayes and noes being demanded by Messrs. Kent and Burrell.

Which being ordered and taken, resulted as follows:

Those who voted in the affirmative were: Senators Comstock, Davenport, Dice, Garrigus, Grubbs, Harris, Hefron, Heilman, Leeper, Mercer, Moore, Olds, Reeve, Shirk, Streight, Taylor, Traylor, Urmstan and Weir—19.

Those who voted in the negative were: Senators Benz, Briscoe, Burrell, Cadwallader, Coffey, Davis, Donham, Foster, Hart, Kent, Kramer, Major, Peterson, Poindexter, Ragan, Reiley, Sarnighausen, Shirk, Tarlton, Treat, Trusler, Viehe, Wilson, Winterbotham and Woollen—25.

The motion was rejected.

The question recurring on the adoption of the minority report, the ayes and noes were demanded by Messrs. Kent and Winterbotham.

Which being ordered and taken, resulted as follows:

Those who voted in the affirmative were: Senators Benz, Briscoe, Burrell, Cadwallader, Coffey, Davis, Dice, Donham, Foster, Hart, Kent, Kramer, Major, Peterson, Reiley, Shaffer, Tarlton, Treat, Trusler, Winterbotham and Woollen—21.

Those who voted in the negative were: Senators Comstock, Evenport, Garrigus, Grubbs, Harris, Hefron, Heilman, Leeper, Mercer, Moore, Olds, Poindexter, Ragan, Reeve, Sarnighausen, Shirk, Streight, Taylor, Traylor, Urmstan, Viehe, Weir and Wilson—23.

The motion was rejected.

The question recurring on the adoption of the majority report, the same was unanimously concurred in.

Mr. Olds introduced Senate Bill No. 205, entitled "An act to provide against unjust charges by surgeons and physicians for services rendered, and to prevent excessive charges by farmers for produce raised by them, and to declare certain contracts in relation thereto void."

Read the first time and referred to the committee on rights and privileges.

The following communication was received from the Secretary of State:

OFFICE OF SECRETARY OF STATE,
INDIANAPOLIS, IND., January 22, 1879.

To the President and Members of the Senate:

GENTLEMEN: In compliance with your resolution directing me to inform your body what interest, if any, the State has in a certain lot in Southport, Marion county, Indiana, occupied by Catharine Christians, and why, if the State has any interest in said lot the same has not been enforced? I beg leave to submit the following:

The lot in Southport, as referred to in said resolution, was forfeited to the State by Wm. Wheeler in 1862. By an act of the General Assembly, approved March 11, 1875, the Governor, Secretary and Auditor of State, were directed to sell the same. In compliance with said act the lot was appraised, its appraised value being three hundred dollars. At the time of the appraisal it was discovered that the lot was held and occupied by one Catharine Christians, who had a warranty deed to the same, having purchased the same without any knowledge of the title of the State. And at her request, and knowing that she had purchased said lot without any

knowledge of the title of the State, and that she had paid the full value for the same, and that the money used by her in making the purchase was derived from a pension, her only means of support, we deferred trying to sell said lot until she could make the proper application to the General Assembly for relief.

Very respectfully,

JOHN GILBERT SHANKLIN,
Secretary of State.

Which communication was referred to the committee on the judiciary, with instructions to draft a bill with reference to the subject.

The following communication was received from the Governor:

Gentlemen of the Senate:

In December last I was addressed by a member of the bar of Dearborn county, whose professional opinion is held in high regard, relative to an omitted case in our legislation providing for the filling of vacancies in office. He said: "A case occurred here this week where a person in jail, indicted for felony, who has been in jail for months, could not be tried because the prosecuting attorney died between one day when the case was set down specially for another, and the day set for the trial of the cause, and that too, before a special judge called from a distance. With due deference to your Excellency's authority and power, it seems to me that the Legislature, in such a case, (and also in like cases as to clerk and sheriff, if the power, as many claim, is not now inherent in the court), ought to lodge the power in the court, whether held by the regular or special judge, for the purpose of allowing the wheels of justice to run smoothly, as though no cog was out, for the case or matter on hand, or the time being at least, *ad interim*, until the proper authority has been duly notified and has had sufficient time to act considerably on the subject matter, to appoint the missing member of the court. The court in such case ought not to die or remain in suspense, but ought to have the power to maintain itself by supplying, for the time being, the necessary member to constitute the court by the selection of some reputable, disinterested and competent person who, of course, should be required to take the constitutional oath of office. The course of justice should never be impeded by the decease or resignation of a member of the court as little as the course of the sun can be impeded by the dropping of a meteor upon the earth, though it might crush the person of the judge, whose place ought likewise to be immediately supplied under proper restrictions until the constitutional authority can act."

I respectfully commend the subject to your careful consideration, assured that you will make such provision as its importance may seem to you to demand.

Respectfully,

JAMES D. WILLIAMS, Governor.

Governor's Office, January 22, 1879.

Which was referred to the committee on the judiciary.

The following communication was received from the Governor :

Gentlemen of the Senate:

I respectfully communicate a copy of a letter addressed to me by the superintendent of the United States coast and geodetic survey, requesting legislation similar to that secured from other states, which are named, and enclosing the draft of a bill for "An act relating to surveys authorized by the Congress of the United States in the State of Indiana."

JAMES D. WILLIAMS.

Governor's Office, January 22, 1879.

Which, with the copy of the letter of the superintendent of the United States coast and geodetic survey and the bill in relation thereto, was read the first time and referred to the committee on the judiciary.

Mr. Coffey, from the joint committee on enrolled bills, reported as follows:

MR. PRESIDENT:

Your joint committee on enrolled bills have this day presented to the Governor for his signature Enrolled House Bill No. 1.

Senate Bill No. 125, entitled "An act providing for the punishment of persons in the possession of stolen personal property," etc., was taken up and read the second time, with the report of the committee striking out section 3 and recommending its passage.

By consent of the Senate the report was concurred in and the bill was ordered engrossed.

Senate Bill No. 121, entitled "An act to repeal the second section of an act entitled an act defining certain misdemeanors, and prescribing punishment therefor, approved December 2, 1865," was taken up and read the second time, with the report of the committee recommending its indefinite postponement.

On motion to concur in the report of the committee the ayes and

noes were demanded by Messrs. Trusler and Wilson, and being ordered and taken resulted as follows :

Those who voted in the affirmative were: Senators Benz, Burrell, Cadwallader, Comstock, Davenport, Dice, Donham, Grubbs, Harris, Major, Mercer, Moore, Peterson, Reeve, Shirk, Tarlton, Taylor, Urmstan, Viehe, Weir and Winterbotham—21.

Those who voted in the negative were: Senators Briscoe, Coffey, Davis, Foster, Garrigus, Heilman, Kramer, Langdon, Leeper, Menzies, Poindexter, Ragan, Sarnighausen, Streight, Traylor, Treat, Trusler and Wilson—18.

The report was adopted.

Mr. Menzies, from the special committee, reported that his committee had conveyed to the Mexican veterans the resolution of the Senate granting them the privileges of the floor of the Senate. That the Mexican veterans returned their thanks for the courtesy extended by the Senate, and would visit the Senate this afternoon, and he moved that upon their arrival a recess of ten minutes be taken, and that chairs be provided for the veterans of the Mexican war.

Which was agreed to.

Mr. Comstock, from the committee on the judiciary, reported Senate Bill No. 192.

Also, Senate Bill No. 185.

Which, by direction of the Lieutenant-Governor, went on the files without reading.

Mr. Reeve, from the committee on the judiciary, reported Senate Bill No. 18, entitled "An act making all conveyances of lands made by the trustees of the Wabash and Erie canal, or any other person or officer disqualified by the law in force at the time to make conveyance of canal lands, and the records of such conveyances, evidence," etc.

Placed on file without reading.

Senate Bill No. 100, entitled "An act regulating the number and qualification of grand jurors," etc., with the report of the committee, was taken up. The bill was read the second time, with the report of the committee that it be indefinitely postponed.

Which was concurred in.

Senate Bill No. 78, entitled "An act to amend section 344 of an act revising, simplifying and abridging the rules, practice, plead-

ings," etc., was taken up, with the report of the committee recommending that it do lie on the table.

The bill was read the second time and, on motion of Mr. Shirk, was recommitted to the committee on the judiciary.

Mr. Burrell introduced Senate bill No. 206, entitled "An act to repeal section 6 and to amend section 16 of an act entitled an act concerning promissory notes, bills of exchange, bonds or other instruments in writing, signed by any person who promises to pay money or acknowledges money to be due, or for the delivery of any specific article, or to convey property, or to perform any stipulation therein mentioned, and repealing all laws coming in conflict therewith," approved March 11, 1861.

Read the first time and referred to the committee on the judiciary.

Mr. Menzies, from the special committee on invitations, announced the arrival in the Senate chamber of the veterans of the Mexican war.

The Lieutenant-Governor, from the chair, delivered an appropriate address, welcoming the veterans of said war to the privileges of the Senate chamber, and recounting the many obligations of the people of this nation to the brave defenders of their country, who then stood before him.

Short but eloquent responses were then made by General M. D. Manson and Major Gordon.

The following message was received from the House by the Clerk thereof:

MR. PRESIDENT:—

I am directed by the Speaker of the House to inform the Senate that the House has passed the following concurrent resolution, to-wit:

Resolved by the House of Representatives (the Senate concurring therein); That our Senators in Congress are hereby instructed, and our members are requested to use their utmost endeavors to procure the passage of a law pensioning the remaining few survivors of the Mexican war, as a matter of justice to brave men, who by their heroism aided the government to acquire territory of incalculable value to the country, and preserve the honor of the nation.

Which was unanimously adopted.

The Senate adjourned.

(Approved.)

ISAAC P. GRAY,
President of the Senate.

THURSDAY MORNING.

JANUARY 23, 1879.

The Senate met at 10 o'clock. Lieutenant-Governor Gray in the chair.

The session was opened with prayer by the Rev. Lea W. Munhall, of the Methodist Episcopal Church.

The Journal of yesterday was read and approved.

Leave of absence was asked and obtained for Senator Fowler for to-day.

The chair announced the following standing committees:

On Apportionment and Redistricting the State for Representatives in Congress.—Senators Burrell, Taylor, Menzies, Olds, Fowler, Harris, Kent, Comstock, Hebron, Mercer, Wood, Smith and Riley.

On Apportionment and Redistricting the State for Senators and Representatives in the General Assembly.—Senators Viehe, Moore, Sarnighausen, Grubbs, Reeve, Langdon, Davis, Urmstan, Heilman, Winterbotham, Garrigus, Tarlton and Coffey.

Mr. Harris, from the committee on claims, presented the claim of Charles A. Woodbridge for \$18.84.

Which was referred without reading.

Mr. Reeve, from the committee on the judiciary, reported Senate bill No. 158, entitled "An act concerning married women."

Also, Senate Bill No. 58, entitled "An act concerning prisoners in jail."

Also, Senate Bill No. 174, entitled "An act providing for the mode of trial of certain issues of fact in civil cases."

Also, Senate Bill No. 88, entitled "An act providing for establishing of probate courts."

Which were placed on file without reading.

Mr. Harris, from the committee on the judiciary, reported Senate Bill No. 105, entitled "An act requiring the vendor of real estate, who desires to retain a lien on the same for unpaid purchase money," etc.

Also, Senate Bill No. 124, entitled "An act defining the duties of justices of the peace and mayors of cities in certain cases."

Also, Senate Bill No. 138, entitled "An act relating to congressional township school funds," etc.

Which were placed on the files without reading.

Mr. Kramer, from the committee on county and township business, reported Senate bill No. 45, entitled "An act requiring township trustees to levy taxes for one fund for the benefit of another," etc.

Also, Senate Bill No. 151, entitled an act to amend sections 1 and 2 of an act entitled an act providing for the appointment of supervisors of highways, etc., approved March 5, 1877."

Which were placed on file without reading.

Mr. Viehe, from the committee on the organization of courts, reported Senate Bill No. 71, entitled "An act authorizing justices of the peace to require additional replevin bond in certain cases."

Which was placed on the files without reading.

Mr. Sarnighausen, from the committee on rights and privileges, reported Senate Bill No. 101, entitled "An act to repeal an act approved March 6, 1865, entitled an act to authorize the formation of companies for the construction of water works in and for incorporated cities," etc.

Which was placed on the files without reading.

Mr. Peterson, from the committee on county and township business, reported Senate Bill No. 156, entitled "An act touching the duties of township trustees and taxes for the fees and expenses of such office."

Which was placed on file without reading.

Mr. Ragan, from the committee on county and township business, reported Senate Bill No. 80, entitled "An act abolishing certain offices in cities and incorporated towns," etc.

Which was placed on the files without reading.

Mr. Langdon, from the committee on the organization of courts, reported Senate Bill No. 119, entitled "An act to repeal an act entitled an act to abolish the superior court of Cass county," etc.

Also Senate Bill No. 117, entitled "An act to abolish the criminal court of Allen county," etc.

Which were placed on file without reading.

Mr. Olds, from the committee on county and township business, reported Senate Bill No. 163, entitled "An act further defining the

duties of boards of commissioners in reference to the appointment of inspectors of elections," etc.

Which was placed on the file without reading.

Mr. Briscoe offered the following resolution :

Resolved by the Senate, That the Auditor of State is hereby authorized to request of each and every county auditor, treasurer, sheriff and clerk, in the State of Indiana, under oath, a full and complete exhibit of his salary, fees, emoluments and perquisites, received by him or his predecessor for the year 1878, and also a full statement, under oath, of all expenditures of any kind and nature, the name and number of clerks or assistants employed by each, with the true amount paid to each and for what services rendered, for and during the year 1878, showing the net proceeds or profits accruing from said respective office; said information to be furnished to the Senate on or before the fifteenth day of February, 1879."

Which was adopted.

Mr. Reeve introduced the following resolution :

WHEREAS, Great inconvenience and actual injury exists, in case of judgments rendered in the federal courts in this State, from want of knowledge of such judgments by creditors of the judgment defendants and others, having direct interest adversely affected by such judgments; and,

WHEREAS, In cases in bankruptcy where discharge has been granted the bankrupt, there are many cases where claims against the bankrupt are evidenced by judgments of record in the various counties of this State, which judgments remain of record, apparently in full force and unsatisfied, although the judgment defendant has been discharged therefrom by such order in bankruptcy, and serious evils and embarrassments and false impressions result; therefore,

Resolved by the Senate (the House of Representatives concurring therein), That our Senators in Congress be instructed and our Representatives requested to procure a law to be enacted, requiring the plaintiff, in all cases where judgment is rendered in the federal courts against persons resident in this State, to cause a brief memorandum of the judgment to be sent to the clerk of the circuit court of the county in which the judgment defendant resides, to be entered on the judgment docket of such court, as other statements of judgments are entered under the laws of this State, a note of which shall be made on the judgment in the federal courts, and when the said judgment is satisfied, requiring the clerk of the federal court to

briefly certify the same to the clerk of said circuit court, as shown in such note on his own docket, which shall be noted by said circuit court clerk on the memorandum of judgments in his office, and providing for the costs thereof to be taxed as part of the cost in the case in the federal court at (the) time judgment is rendered.

And in cases of discharge in bankruptcy, the clerk of the federal court shall furnish the clerk of the circuit court of any county in the State where the records show judgments against bankrupts as part of the claims from which the bankrupt is discharged, a list of such judgment claims, and the clerk of such circuit court to note on the record of such judgment a memorandum that defendant has been discharged therefrom in bankruptcy, or any kind of legislation which shall release persons affected from the continued existence of said judgments as being in force and unsatisfied, and that a copy of this resolution be duly attested and transmitted to our Senators and Representatives in Congress.

Which was adopted.

Mr. Wilson offered the following resolution :

Resolved, That the committee on the judiciary be instructed to ascertain whether the eighth clause of section 7 of "an act to provide for a uniform assessment of property, and for the collection and return of taxes thereon," approved December 21, 1872, exempting certain property therein named from taxation, is not in conflict with section 1, article 10, of the constitution of this State; and if so found to report to the Senate, by bill or otherwise, so as to secure proper legislation authorizing the assessment and collection of taxes on all property liable to taxation thereunder.

Which was referred to the committee on the judiciary.

Mr. Trusler introduced the following resolution :

WHEREAS, A great portion of the people of Indiana are demanding that the rate of interest on money be reduced, and as there has already been several bills introduced and referred to the judiciary committee on this subject; therefore

Resolved, That said committee be requested to report a bill to the Senate reducing interest on money, at their earliest convenience.

Which, on motion of Mr. Streight, was laid on the table.

Mr. Ragan offered the following resolution :

WHEREAS, The time of this Senate is extremely precious; therefore be it

Resolved, That no Senator be allowed to occupy more than five-minutes' time in any one speech, except upon the unanimous consent of the Senate.

Which, on motion of Mr. Harris, was laid on the table.

Mr. Garrigus offered the following resolution :

Resolved by the Senate of the State of Indiana, That in accordance with Rule 53, and to make the same more useful and effective, that the Senator introducing a bill shall be notified when his bill will be considered by such committee, and no bill shall be adversely passed upon by such committee unless its author be notified. It shall be the duty of the chairman of each committee to cause such notice to be given.

Mr. Burrell moved to lay the resolution on the table.

Which was agreed to.

Mr. Langdon introduced Senate Bill No. 207, entitled "A bill for an act providing for determining, allowing and paying claims against the State; also providing for appeals from allowances by the Auditor of State, and for bringing, prosecuting and defending of actions against the State."

Which was read the first time, and referred to the committee on the organization of courts.

Mr. Kramer introduced Senate Bill No. 208, entitled "An act supplemental and amendatory to an act entitled 'an act to provide for a uniform assessment of property, and for the collection and return of taxes thereon,' approved December 21, 1872, and to an act supplementary and amendatory of an act entitled 'an act to provide for a uniform assessment of property, and for the collection and return of taxes thereon,' approved December 21, 1872, approved March 8, 1873, repealing all laws in conflict with this act, providing for the duties and fees of officers herein named, prescribing penalties for the violation thereof, providing the manner of publishing delinquent tax-lists, and declaring an emergency."

Which was read the first time, and referred to the committee on county and township business.

Mr. Benz introduced Senate Bill No. 209, entitled "An act to authorize appeals from boards of commissioners of a county in cases of the location or removal of county seats to the circuit court, and from the circuit court to the Supreme Court of the State of Indiana by persons aggrieved."

Read the first time and referred to the committee on county and township business.

Mr. Tarlton introduced Senate Bill No. 210, entitled "An act to prevent swine from running at large and providing a penalty therefor, and declaring an emergency."

Read the first time and referred to the committee on rights and privileges.

Mr. Winterbotham, by request, introduced Senate Bill No. 211, entitled "An act regulating interest on money judgments and decrees of courts, and to repeal an act entitled 'An act concerning interest on money, approved May 27, 1852,' the fifty-first section of the act defining misdemeanors and prescribing punishment therefor, approved June 14, 1852, the act entitled 'An act regulating interest on money, approved May 27, 1852,' the fifty-first section of the act defining misdemeanors and prescribing punishment therefor, approved June 14, 1852, and all other laws and parts of laws in conflict with this act, approved March 7, 1861, an act entitled 'An act concerning interest on money and to provide for recoupment of usurious interest, approved March 9, 1867,' an act entitled 'An act regulating interest on judgments, approved February 5, 1873,' and also all other laws and parts of laws in conflict with this act."

Read the first time and referred to the committee on the judiciary.

Mr. Major introduced Senate Bill No. 212, entitled "An act declaring agreements to waive valuation and appraisement laws, contained in any bill of exchange, acceptance, draft, promissory note, bond, mortgage or other written or printed evidence of indebtedness, illegal, null and void, and requiring, hereafter, all sales of real and personal property, on execution, to be made after a fair and honest appraisement, at not less than two-thirds the appraised value, repealing all conflicting laws, and declaring an emergency."

Read the first time and referred to the committee on the judiciary.

Mr. Poindexter introduced Senate Bill No. 213, entitled "An act to divide the State into congressional districts."

Read the first time and referred to the committee on congressional apportionment.

Mr. Wilson introduced Senate Bill No. 214, entitled "An act supplemental to an act prescribing the powers and duties of coroners, approved May 27, 1852, and acts amendatory thereof, amending sections 4, 10 and 11 thereof, repealing sections 5, 6 and 7 of

said act, and all other acts in conflict herewith, and declaring an emergency."

Read the first time and referred to the committee on finance.

Mr. Briscoe introduced Senate Bill No. 215, entitled "An act to amend sections 1, 11 and 12 of the act entitled an act to exempt property from sale in certain cases, approved February 17, 1852. Section 2, Revised Statutes 1876, page 352.

Read the first time and referred to the committee on the judiciary.

Mr. Traylor introduced Senate Bill No. 216, entitled "An act to amend section 1 of an act entitled an act defining the crime of embezzlement and prescribing the punishment therefor, approved December 21, 1865."

Read the first time and referred to the committee on the judiciary.

Mr. Hart introduced Senate Bill No. 217, entitled "An act to amend section 467 of an act entitled an act to revise, simplify and abridge the rules, practice, pleading and forms in civil cases in the courts of this State; to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice without distinction between law and equity, approved June 18, 1852."

Read the first time and referred to the committee on the judiciary.

Mr. Poindexter, by request, introduced Senate Bill No. 218, entitled "An act to amend section 8 of an act entitled an act to repeal all general laws now in force for the incorporation of cities, and to provide for the incorporation of cities, prescribing their powers and rights, and the manner in which they shall exercise the same, and to regulate such other matters as properly pertain thereto.

Read the first time and referred to the committee on the judiciary.

Mr. Reeve moved that on account of the large amount of business now before the various committees, that when the Senate adjourn it adjourn until to-morrow at 10 o'clock.

The motion was agreed to.

Mr. Taylor introduced Senate Bill No. 219, entitled "An act to amend the five hundred and twenty-ninth section of an act entitled an act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity."

Read the first time and referred to the committee on the organization of courts.

Mr. Urmstan introduced Senate Bill No. 220, entitled "An act to fix the number of senators and representatives to the General Assembly of the State of Indiana, and to apportion the same among the several counties of the State."

Read the first time and referred to the committee on apportionment.

Mr. Treat introduced Senate Bill No. 221, entitled "An act granting the privilege of remonstrance to citizens of townships, in incorporated towns and city wards against the sale of intoxicating liquors, defining such remonstrances, providing that they be filed with the county auditor, defining a majority for the purposes of this act, prescribing the duty of county commissioners in certain cases described in this act, and declaring an emergency," being supplemental to "An act entitled an act to regulate and license the sale of spirituous, vinous and malt and other intoxicating liquors, to limit the license fee to be charged by cities and towns, prescribing penalties for intoxication, and providing for the recovery of damages for injuries growing out of unlawful sales of intoxicating liquors, to repeal all former laws regulating the sale of intoxicating liquors, and all laws or parts of laws coming in contact with the provisions of this act, prescribing penalties for the violation thereof and declaring an emergency."

Read the first time and referred to the committee on temperance.

Mr. Hart presented a remonstrance from the citizens of Warrick county.

Which was referred to the committee on corporations without reading.

Leave of absence was asked and obtained for Mr. Donham until Tuesday at noon.

Mr. Langdon offered the following resolution:

Resolved, That all bills on legislative and congressional apportionment be printed upon first reading.

Which was adopted.

The Senate adjourned.

(Approved.)

ISAAC P. GRAY,
President of the Senate.

FRIDAY MORNING.

JANUARY 24, 1879.

The Senate met at 10 o'clock. Lieutenant-Governor Gray in the chair.

The session was opened with prayer by the Rev. J. H. Bayless, of the Roberts Park Church.

The Journal of yesterday was read and approved.

Leave of absence was asked and obtained for Mr. Wood until Tuesday at noon.

Mr. Sarnighausen presented a remonstrance from the citizens of Huntington county, asking that Senate Bill No. 23, an act for the purpose of legalizing the acts of the officers of the town of Huntington, etc., be not passed.

Which was referred to the committee on corporations.

Mr. Harris presented a petition and claim from Jacob P. Dunn, praying for the enactment of a law appropriating one thousand two hundred dollars to him, etc.

Which was referred to the committee on claims without reading.

Mr. Foster presented a petition from citizens of Allen county to legalize the acts of the trustees of the town of New Haven, in regard to levying town taxes.

Which was referred to the committee on corporations.

Mr. Langdon, from the committee on corporations, reported Senate Bill No. 140, entitled "An act authorizing the surrender of city charters," etc., with the report of the committee suggesting certain amendments, and that the bill, when so amended, do pass.

Mr. Sarnighausen, from the committee on education, reported Senate Bill No. 86, entitled "An act to amend section 9 of an act entitled an act to amend an act entitled an act to provide for a general system of common schools, the officers thereof and their respective powers and duties," etc., with the report of the committee recommending that it be indefinitely postponed.

Which was placed on file without reading.

Mr. Mercer, from the committee on rights and privileges, reported Senate Bill No. 143 back, with the report of the committee recommending that it be indefinitely postponed.

Which was placed on file without reading.

Mr. Dice, from the committee on corporations, reported Senate Bill No. 24, entitled "An act to enforce the attendance of witnesses," with the report of the committee recommending that it be referred to the committee on the judiciary.

Which was concurred in.

Mr. Tarlton, from the committee on roads, reported Senate Bill No. 38, entitled "An act to regulate the advertising and letting of contracts for the building and repair of bridges," etc., with the report of the committee recommending that it do pass, and that two hundred copies of the bill be printed.

Which was placed on file without reading.

Mr. Peterson, from the committee on roads, reported Senate Bill No. 133, entitled "An act in relation to plank, gravel, and turnpike companies, to prevent the opening of ways around toll gates," with the report of the committee recommending that the same do lie on the table.

Which was placed on file without reading.

Mr. Grubbs, from the committee on the judiciary, reported Senate Bill No. 148, entitled "An act to repeal section 247 of the assessment act," with the report of the committee recommending that it be indefinitely postponed.

Which was placed on file without reading.

Mr. Burrell, from the committee on the judiciary, reported Senate Bill No. 129, entitled "An act providing for a change of venue from mayors of cities," etc., with the majority and minority reports.

Which were placed on file without reading.

Mr. Harris, from the committee on the judiciary, reported Senate Bill No. 15, entitled "An act decreasing the number of petit jurors," with the report of the committee recommending that it be indefinitely postponed, for the reason that it is unconstitutional.

Which was placed on file without reading.

Mr. Harris, from the committee on the judiciary, reported Senate Bill No. 130, entitled "An act decreasing the number of petit

jurors," with the report of the committee recommending that it be indefinitely postponed, for the reason that it is unconstitutional.

Which was placed on file without reading.

Mr. Harris, from the committee on the judiciary, reported Senate Bill No. 159, entitled "An act decreasing the number of jurors," with the report of the committee recommending that it be indefinitely postponed, for the reason that it is unconstitutional.

Which was placed on file without reading.

Mr. Harris, from the committee on the judiciary, reported Senate Bill No. 172, "An act to legalize certain sales under voluntary assignments," with the report of the committee recommending that it be indefinitely postponed.

Which was placed on file without reading.

Mr. Harris, from the committee on the judiciary, reported Senate Bill No. 190, entitled "An act to amend section 1 of an act entitled an act to exempt property from sale in certain cases," with the report of the committee recommending that it do pass.

Which was placed on file without reading.

Mr. Shirk, from the committee on rights and privileges, etc., reported Senate Bill No. 141, entitled "An act for the protection of wild game," etc., with the report of the committee recommending that it pass.

Which was placed on file without reading.

Mr. Taylor, from the committee on roads, reported Senate Bill No. 25, entitled "An act in relation to the election of supervisors of highways," with the report of the committee recommending that it be referred to the committee on elections.

Which was concurred in.

Mr. Viehe, from the committee on the judiciary, reported Senate Bill No. 59, entitled "An act to amend section 22 of an act for the incorporation of towns," etc., with the report of the committee suggesting certain amendments, and recommending that the bill when so amended do pass.

Which was placed on file without reading.

Mr. Viehe, from the committee on the judiciary, reported Senate Bill No. 169, entitled "An act to prevent mortgagors from concealing goods upon which there is a lien," etc., with the report of the

committee suggesting a substitute, and recommending the passage of the substitute.

Which was placed on file without reading.

Mr. Viehe, from the committee on the judiciary, reported Senate Bill No. 26, entitled "An act to declare swamp land deeds and records thereof as evidence," etc., with the report of the committee, recommending that it be indefinitely postponed, as the law already makes sufficient provision in such cases.

Which was placed on file without reading.

Mr. Viehe, from the committee on the judiciary, reported Senate Bill No. 30, entitled "An act to authorize guardians to settle the estates of deceased wards," with the report of the committee, suggesting certain amendments, and when so amended recommending that it pass.

Which was placed on file without reading.

Mr. Viehe, from the committee on the judiciary, reported Senate Bill No. 185, entitled "An act for the purchase of the Revised Statutes of the State for the members of the General Assembly," etc., with the report of the committee, recommending that it be indefinitely postponed.

Which was placed on file without reading.

Mr. Comstock, from the committee on the judiciary, reported Senate Bill No. 180, entitled "An act to amend section 12 of the divorce act," etc., with the report of the committee, recommending that it pass.

Which was placed on file without reading.

Mr. Comstock, from the committee on the judiciary, reported Senate Bill No. 171, entitled "An act to amend section 17 of the felony act," etc., with the report of the committee, suggesting certain amendments, and when so amended recommending its passage.

Which was placed on file without reading.

Mr. Comstock, from the committee on the judiciary, reported Senate Bill No. 98, entitled "An act decreasing the number of petit jurors," etc., with the report of the committee, recommending that it be indefinitely postponed for the reason that it is unconstitutional.

Which was placed on file without reading.

Mr. Comstock, from the committee on the judiciary, reported Senate bill No. 165, entitled "An act defining the crime of abortion.

and punishment therefor," etc., with the report of the committee, recommending its passage.

Which was placed on file without reading.

Mr. Comstock, from the committee on the judiciary, reported Senate Bill No. 153, entitled "An act to amend section 87 of the practice act," with the report of the committee, recommending its indefinite postponement.

Which was placed on file without reading.

Mr. Comstock, from the committee on the judiciary, reported Senate Bill No. 118, entitled "An act to amend sections 199, 201, 202, 203, 204 and 205 of the practice act," with the report of the committee, recommending that the bill do pass.

Which was placed on file without reading.

Mr. Comstock, from the committee on the judiciary, reported Senate Bill No. 131, entitled "An act providing for the election of a police judge in all cities of this State, organized under the general laws of this State, having a voting population of sixteen thousand or more," etc.

Which, with the report of the committee recommending its passage, was placed on file without reading.

Mr. Kent, from the committee on the judiciary, reported Senate Bill No. 75, entitled "An act to perfect title to lands sold by sheriffs, commissioners, administrators," etc., with a majority report recommending that it be indefinitely postponed, and a minority report recommending that it be passed.

Which were placed on file without reading.

Mr. Kent, from the committee on the judiciary, reported Senate Bill No. 152, entitled "An act to regulate the testimony of experts in courts of justice," etc., which, with the report of the committee recommending its indefinite postponement.

Was placed on the file without reading.

Mr. Kent, from the committee on the judiciary, reported Senate Bill No. 145, entitled "An act to amend section 115 of an act entitled an act to revise, simplify and abridge the rules of practice, pleadings, forms," etc., with the report of the committee.

Which was placed on the file without reading.

Mr. Kent, from the committee on the judiciary, reported Senate Bill No. 162, entitled "A bill to amend sections 51 and 52 of an act providing for the election and qualifications of justices of the peace,"

etc., with the report of the committee recommending its indefinite postponement.

Which was placed upon file without reading.

Mr. Burrell, from the judiciary committee, reported Senate Bill No. 157, entitled "An act to preserve evidence taken before grand juries in certain cases."

Which, with the report of the committee, was placed on file without reading.

Mr. Burrell, from the committee on the judiciary, reported Senate Bill No. 189, "An act to amend an act providing for the sale of property held in trust," with the report of the committee suggesting certain amendments, and, when so amended, recommending its passage.

Which was placed on file without reading.

Mr. Burrell, from the committee on the judiciary, reported Senate Bill No. 193, entitled "An act relating to penal ordinances of incorporated towns and cities," with the report of the committee recommending that it be indefinitely postponed.

Which was placed on file without reading.

Mr. Burrell, from the committee on the judiciary, reported Senate Bill No. 102, entitled "An act regulating the manner of giving notice of sale of real estate," with the report of the committee recommending that the bill be indefinitely postponed.

Which was placed on file without reading.

Mr. Burrell, from the committee on the judiciary, reported as follows:

MR. PRESIDENT:

The committee on the judiciary, to whom was referred Senate Bill No. 135, have had the same under consideration, and I am directed to report the bill back with the recommendation that it be indefinitely postponed, for the reason that the law now provides for such cases.

Which was placed on file without reading.

Mr. Burrell, from the committee on the judiciary, reported Senate Bill No. 42, "An act for the protection of execution plaintiffs when purchasers at sheriffs' sales," with the report of the committee recommending that the bill be indefinitely postponed.

Which was placed on file without reading.

Mr. Grubbs, from the committee on the judiciary, reported Senate Bill No. 120, entitled "An act providing a uniformity in the beginning and ending of the terms of office of circuit judges," etc., with the report of the committee.

Which was placed on file without reading.

Mr. Grubbs, from the committee on the judiciary, reported Senate Bill No. 194, entitled "An act to amend section 20 of an act defining who shall be witnesses," etc., with the report of the committee suggesting certain amendments, and when so amended recommending its passage.

Which was placed on file without reading.

Mr. Grubbs, from the committee on the judiciary, reported Senate Bill No. 183, entitled "An act to amend section 9 of an act entitled an act touching the relation of guardian and ward, approved June 9, 1852,"

Which, with the report of the committee, went to the files without reading.

Mr. Grubbs, from the committee on the judiciary, reported Senate Bill No. 146, entitled "An act to amend sections 119 and 155 of the practice act," with the majority report of the committee suggesting certain amendments, and when so amended recommending that it do pass.

Which was placed on file without reading.

Mr. Grubbs, from the committee on the judiciary, reported Senate Bill No. 127, entitled "An act to revise, simplify and abridge the rules, practice and forms," etc.

Which, with the minority and majority reports, was placed on file without reading.

Mr. Grubbs, from the committee on the judiciary, reported Senate Bill No. 187, entitled "An act amending sections 1, 2 and 20 of an act providing for the election and appointment of supervisors of highways," etc., with the committee's report.

Which was placed on file without reading.

Mr. Langdon, from the committee on corporations, reported Senate Bill No. 55, entitled "An act to legalize the Kokomo Building, Loan Fund and Savings Association," etc., with the report of the committee.

Which was placed on file without reading.

Mr. Menzies, from the committee on corporations, reported Senate Bill No. 164, entitled "An act supplemental to an act to repeal all general laws in force for the incorporation of cities," etc., with the report of the committee recommending that it do pass.

Which was placed on file without reading.

Mr. Olds introduced the following resolution:

WHEREAS, It has been charged by the public press that the trustees of the Indiana Soldiers' Orphans' Home, and the trustees and officers of the other benevolent institutions of the State have been guilty of mismanagement and misappropriation of funds, and believing it to be the duty of the Senate to investigate the management of the benevolent institutions of the State, and prevent, as far as in their power, all mismanagement of said institutions and all misappropriation of moneys by the trustees and officers of the same, therefore be it

Resolved, by the Senate, That a special committee of five Senators be appointed by the President of the Senate to investigate the management of the Indiana Soldiers' Orphans' Home, and the management of all the other benevolent and reformatory institutions, and to investigate in regard to the charges made by the public press against the Trustees of the Indiana Soldiers' Orphans' Home, in regard to charging and receiving for their services an amount in excess of the amount to which they are entitled by law, and to further investigate and ascertain whether any trustee or officers of any of the benevolent institutions of the State have charged or received for their services any amount in excess of the amount to which they were entitled by law, and that each committee shall have power to send for, and compel the attendance before them of any person to testify in relation to the matter contained in this resolution, and to compel the production and inspection of any paper or book that may be deemed necessary by them to be produced and inspected in making such investigation.

That said committee make a detailed report of the results of their investigation to the Senate, at as early a period as practicable.

Mr. Olds demanded the previous question, which was not seconded by the Senate, the affirmative and negative being a tie.

Mr. Woollen then offered the following resolution as a substitute:

WHEREAS, It has been charged in the columns of the papers in this city that the various benevolent institutions of this State are managed in an extravagant and corrupt manner; therefore be it

Resolved, That the committee on benevolent institutions be instructed to investigate the management of the Hospital for the Insane, the Institution for the Education of the Deaf and Dumb, the Institution for the Education of the Blind, and the Soldiers' Orphans' Home at Knightstown, and Reformatory Institute, and report the results of their investigations to this Senate, at least six days before the close of the regular session. And for the purpose of aiding such committee in a full investigation, they are hereby authorized to employ an expert, provided said expert shall not be paid more than three dollars per day for the time actually engaged in such duty. And said committee is hereby authorized to send for persons and papers, and to examine witnesses under oath.

Which was rejected.

The original resolution was then adopted.

Mr. Sarnighausen offered the following resolution :

Resolved, That the Auditor of State be requested to inform the Senate of the amount of money drawn from the State treasury for the Normal School at Terre Haute, the State University at Bloomington, and the Purdue University at Lafayette, during the last year.

Which was adopted.

Mr. Fowler introduced Senate Bill No. 222, entitled "An act providing that certain misrepresentations in a life or fire policy of insurance, by the insured, shall not vitiate the policy or defeat the collection of the claim, and providing for an emergency."

Read the first time and referred to the committee on insurance.

Mr. Wilson, by request, introduced Senate Bill No. 223, entitled "An act to extend the time for the completion of certain macadamized, turnpike and gravel roads."

Read the first time and referred to the committee on corporations.

Mr. Garrigus introduced Senate Bill No. 224, entitled "An act providing for giving notice by publication to defendants who are not residents of the State of Indiana in actions pending in the circuit court and other inferior courts in this State, and to cure defects that are believed to exist in notices given defendants who are not residents of this State, in actions that have heretofore been tried and determined in the circuit court and other inferior courts in this State, and declaring an emergency."

Read the first time and referred to the committee on the judiciary.

Mr. Grubbs introduced Senate Bill No. 225, entitled "An act giving justices of the peace jurisdiction in proceedings supplementary to execution."

Read the first time and referred to the committee on the judiciary..

Mr. Foster introduced Senate Bill No. 226, entitled "An act to amend section 159 of an act entitled an act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity, approved June 18, 1852."

Read the first time and referred to the committee on the judiciary..

Mr. Winterbotham introduced Senate Bill No. 227, entitled "An act to authorize township trustees to transfer moneys from one specific fund in their hands to another, in certain cases."

Read the first time and referred to the committee on rights and privileges.

Mr. Poindexter introduced Senate Bill No. 228, entitled "An act to suppress intemperance, pauperism and crime, and providing for the recovery of damages for injuries growing out of the sale, barter, or giving away of intoxicating liquor."

Read the first time and referred to the committee on temperance.

Mr. Grubbs, by request, introduced Senate Bill No. 229, entitled "An act in relation to settlements made by boards of county commissioners with county, township and school officers."

Read the first time and referred to the committee on education.

Mr. Viehe introduced Senate Bill No. 230, entitled "An act enabling married women between the ages of eighteen and twenty-one years to convey real estate when their husbands join with them in the deed, and legalizing conveyances heretofore made by them, and declaring an emergency."

Read the first time and referred to the committee on the judiciary.

Mr. Fowler introduced Senate Bill No. 231, entitled "An act amending section 1 of an act approved February 7, 1855, providing that no justice shall hear or determine any state prosecution for an assault and battery or assault unless the injured party be present, or, being summoned, refuse to attend, or when the summons for him is returned "not found;" and that no trial shall be had in cases of

affray unless a witness thereof be present and testify upon such trial, or, being summoned, refuse to attend."

Read the first time and referred to the committee on the judiciary.

Mr. Moore introduced Senate Bill No. 232, entitled "An act to amend section 8 of an act entitled an act regulating the granting of divorces, nullification of marriages and decrees and orders of courts incident thereto, and repealing all laws conflicting with this act and declaring an emergency, approved March 10, 1873."

Read the first time and referred to the committee on the judiciary.

Mr. Burrell introduced Senate bill No. 233, entitled "An act to authorize the county commissioners of the several counties of this State to purchase the books, stationery and other articles for the several county offices for the conduct of public business, and providing how claims against counties shall be settled, and defining penalties and prescribing punishment for violations of this act by the county commissioners and by other persons therein named.

Read the first time and referred to the committee on county and township business.

Mr. Viehe introduced Senate Bill No. 234, entitled "An act to amend section 524 of an act entitled an act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State; to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity, approved June 18, 1852."

Read the first time and referred to the committee on the judiciary.

Mr. Harris introduced Senate Bill No. 235, entitled "An act concerning the payment of the salaries of judges of the several superior courts of this State."

Read the first time and referred to the committee on the judiciary.

Mr. Trusler introduced Senate Bill No. 236, entitled "An act to amend section two (2) of an act providing for the protection of wild game, and defining the time in which the same may be taken or killed, and also providing for the protection of certain kinds therein named, and their eggs, and prescribing the penalty for the violation of the same, and repealing all laws inconsistent therewith, approved March 5, 1877."

Read the first time and referred to the committee on rights and privileges.

Senate Bill No. 88 was taken up, and being read the second time, pending which Mr. Fowler asked and obtained leave of absence for the committee on benevolent and reformatory institutions for this afternoon.

The Senate adjourned.

AFTERNOON SESSION.

JANUARY 24, 1879.

The Senate reassembled at 2 o'clock.

The reading of Senate Bill No. 88, the second time, was resumed and finished with the report of the committee.

Mr. Olds moved to lay it on the table, which was rejected.

Leave of absence was obtained for Mr. Kent until Monday, and for Mr. Reeve until to-morrow.

Mr. Langdon moved that it be made the special order for Wednesday at 2 o'clock, and that 150 copies be printed.

Mr. Olds demanded a division of the question.

The question being first on making the bill the special order, it was agreed to.

The question recurring on the motion to print 150 copies, Messrs. Olds and Dice demanded the ayes and noes.

Which being ordered and taken, resulted as follows:

Those who voted in the affirmative were: Senators Burrell, Coffey, Comstock, Davenport, Davis, Foster, Grubbs, Harris, Heilman, Kent, Langdon, Leeper, Menzies, Mercer, Moore, Reiley, Sarnighausen, Smith, Streight, Taylor, Treat, Urmstan, Weir and Wilson—24.

Those who voted in the negative were: Senators Benz, Briscoe, Dice, Garrigus, Hart, Kramer, Major, Olds, Peterson, Poindexter, Ragan, Shaffer, Traylor and Trusler—14.

The motion was agreed to.

Senate Bill No. 155, entitled "An act to amend an act entitled an act to prevent carrying concealed or dangerous weapons, and to provide punishment therefor, approved February 23, 1859."

Was taken up and read the second time with the report of the committee.

The question being on concurring in the report, Messrs. Menzies and Foster demanded the ayes and noes, which being ordered and taken resulted as follows:

Those who voted in the affirmative were: Senators Burrell, Cadwallader, Comstock, Grubbs, Harris, Kent, Kramer, Langdon, Moore, Shaffer, Streight, Taylor and Viehe—13.

Those who voted in the negative were: Senators Benz, Briscoe, Coffey, Davenport, Davis, Dice, Foster, Fowler, Garrigus, Hart, Heilman, Leeper, Major, Menzies, Mercer, Olds, Peterson, Poin-dexter, Ragan, Reiley, Sarnighausen, Smith, Tarlton, Traylor, Treat, Trusler, Urmstan, Weir, Wilson and Winterbotham—30.

The report was rejected and the Senate refused to order the bill engrossed.

Mr. Dice moved to lay the report on the table.

Which was agreed to.

Senate Bill No. 119, entitled "An act to abolish the superior court of Cass county," etc., was taken up and read the second time, with the report of the committee.

Which was concurred in and the bill ordered engrossed.

Senate Bill No. 192, entitled "An act to amend section 468 of an act entitled an act to abridge the rules, practice, pleadings and forms in civil cases," etc., was taken up and read the second time with the report of the committee.

Which was concurred in and the bill ordered engrossed.

Senate Bill No. 58, entitled "An act concerning prisoners in jail," etc., was taken up and read the second time with the report of the committee.

Which was concurred in and the bill ordered engrossed.

Senate Bill No. 80, entitled "An act abolishing certain offices in cities and incorporated towns in the State of Indiana," etc., was taken up and read the second time, with the report of the committee.

Which was concurred in and the bill ordered engrossed.

Senate Bill No. 101, entitled "An act to repeal an act approved March 6, 1865, to authorize the formation of companies for the construction of water-works," etc., was taken up and read the second time, with the report of the committee.

Which was concurred in and the bill ordered engrossed.

Senate Bill No. 174, entitled "A bill for an act to provide for the mode of trial of certain issues offered in civil causes," etc., was taken up and read the second time, with the report of the committee.

Which was concurred in and the bill ordered engrossed.

Mr. Olds moved to reconsider the vote concurring in the report. Which was rejected.

The question recurring on the engrossment of the bill, Messrs. Olds and Menzies demanded the ayes and noes.

[No vote recorded.]

The following message was received from the House by the Clerk thereof:

MR. PRESIDENT:

I am directed by the Speaker to inform the Senate that the House of Representatives has passed engrossed Senate Bill No. 32, entitled "A bill for an act to allow to the judiciary committee of the Senate and House of Representatives of the State of Indiana each a separate clerk, especially for the business before them, repealing all conflicting acts, and declaring an emergency," and the same is herewith transmitted to the Senate.

Mr. Sarnighausen moved that when the Senate adjourn it be until Monday at 2 o'clock P. M.

Mr. Harris moved to amend by inserting 10 o'clock A. M. instead of 2 o'clock P. M.

The question being on the amendment of Mr. Harris, the ayes and noes were demanded by Messrs. Burrell and Benz, which being ordered and taken resulted as follows:

Those who voted in the affirmative were: Senators Coffey, Comstock, Davenport, Davis, Foster, Garrigus, Grubbs, Harris, Heilman, Kent, Langdon, Leeper, Menzies, Mercer, Moore, Olds, Peterson, Reiley, Sarnighausen, Shaffer, Smith, Streight, Treat, Urmstan, Viehe, Wilson and Woollen—27.

Those who voted in the negative were: Senators Benz, Briscoe, Burrell, Cadwallader, Dice, Fowler, Hart, Kramer, Poindexter, Ragan, Shirk, Tarlton, Taylor, Traylor, Trusler, Weir and Winterbotham—17.

The amendment was agreed to.

The question recurring on the motion as amended, the ayes and noes were demanded by Messrs. Ragan and Burrell, which being ordered and taken resulted as follows:

Those who voted in the affirmative were: Senators Coffey, Davenport, Davis, Grubbs, Harris, Heilman, Kent, Langdon, Menzies, Mercer, Moore, Olds, Peterson, Sarnighausen, Shaffer, Streight, Urmstan, Viehe, Wilson and Woollen—20.

Those who voted in the negative were: Senators Benz, Briscoe, Burrell, Cadwallader, Comstock, Dice, Foster, Fowler, Garrigus, Hart, Kramer, Leeper, Poindexter, Ragan, Reiley, Shirk, Smith, Tarlton, Taylor, Traylor, Treat, Trusler, Weir and Winterbotham—24.

The motion was not agreed to, and the Senate adjourned.

(Approved.)

ISAAC P. GRAY,
President of the Senate.

SATURDAY MORNING.

JANUARY 25, 1879.

The Senate met at 10 o'clock A. M., Lieutenant-Governor Gray in the chair.

The session was opened with prayer by the Rev. J. H. Bayliss, Roberts Park church.

The Journal of yesterday was read and approved.

The following communication was received from the Governor:

Gentlemen of the Senate:

Barnabas C. Hobbs, a trustee of the Indiana State Normal School, resigned his office November 6th, 1877. I appointed Timothy Nicholson to fill the vacancy, to serve as such trustee during the residue of the term ending December 20, 1879.

I respectfully ask that the Senate approve and confirm that appointment.

I nominate John T. Scott, of Vigo county, and Murray Briggs, of Sullivan county, to the office of trustee of the State Normal School aforesaid, each to serve as such trustee for the residue of the term of four years from December 20, 1877, and I respectfully ask that the Senate do advise and consent to their appointment by me.

JAMES D. WILLIAMS.

Governor's Office, January 24, 1879.

The following communication was received from the Board of State House Commissioners:

OFFICE OF THE
BOARD OF STATE HOUSE COMMISSIONERS.
INDIANAPOLIS, IND., JAN. 24, 1879.

Hon. I. P. Gray,
President of the Senate.

SIR: The Board of State House Commissioners respectfully invite all of the members of the Legislature to inspect the plans for the new State House and the specimens of stone designed for its construction at any time that suits their convenience. The office of the board is in Fletcher and Sharpe's building, rooms 54 and 55. The Commissioners will be pleased to exhibit the plans and give any information in regard to the building that may be desired.

Respectfully,

J. D. WILLIAMS, President.

The Lieutenant-Governor announced the committee to investigate the benevolent institutions to consist of Messrs. Olds, Woollen, Treat, Foster and Kramer.

Mr. Hart presented a petition from citizens of Pike and Warrick counties.

Which was referred to the committee on temperance.

Mr. Ragan offered the following resolution:

WHEREAS, House Bill No. 1, known as the legislative appropriation bill, requires all resolutions appropriating money under its provisions to be concurrent resolutions; and

WHEREAS, The Senate resolution authorizing the purchase by the State Librarian of the Statutes for the use of members of the Senate was passed prior to the passage of House Bill No. 1; and

WHEREAS, The Auditor of State, in compliance with the provisions of House Bill No. 1, declines to issue his warrant on the State treasury for the purchase of the Statutes by the State Librarian; therefore be it

Resolved by the Senate (the House of Representatives concurring therein), That the Auditor of State be and he is hereby authorized to issue his warrant on the Treasurer of State in compliance with the bill of purchase by the State Librarian, for the payment of the bill above referred to.

Which resolution was adopted.

Mr. Winterbotham, from the special committee to whom was referred Concurrent Resolution No. 4, praying our Senators and Representatives in Congress to secure certain modifications of the patent laws, reported as follows:

MR. PRESIDENT:

Your special committee, to whom was referred Senate Concurrent Resolution No. 4, together with all amendments offered thereto, have had the same under consideration and instruct me to report the same back, with the recommendation that the original resolution be amended to read as follows, and when so amended that it do pass.

WHEREAS, In the execution of the patent laws of the United States their enforcement tends to flood the country with articles of no great use or importance and involving no new principle, but operating disadvantageously to the judgment of the greater portion of the people, and under which laws vast frauds are imposed on the public; therefore be it

Resolved by the Senate (the House of Representatives concurring therein), That our Senators in Congress be requested and our Representatives be instructed to procure such a wise and judicious modification of the patent laws which, in its operation, will prohibit the issue of any patent not involving new and original principles, and at the same time prevent imposition on the people.

The report was concurred in.

Mr. Burrell moved that Concurrent Resolution No. 4 be put upon its passage.

Which was agreed to and the resolution passed.

Mr. Dice offered the following resolution:

Resolved, That the Secretary of State be requested to lay on the desks of Senators one copy each of the Brevier Legislative Reports belonging to the State, now in the document room in the basement of the state building.

Which was adopted.

Mr. Woollen offered the following resolution:

Resolved, That the committee on the judiciary be instructed to inquire into and report to the Senate, whether or not the passage of a stay law to delay the collection of debts now existing on judgments be constitutional, and report at their earliest convenience.

Which, on motion of Mr. Harris, was laid on the table.

Mr. Leeper offered the following resolution:

Senate Jour—10

Resolved, That the committee on public printing be and are hereby instructed to inquire into the expediency of printing, in the order of their enactment and as soon thereafter as practicable, a sufficient number of copies of the acts of the present General Assembly to supply each county clerk's office and bar association of the State with a copy of the same, and to report the result of this inquiry to this Senate, as early as practicable, by bill or otherwise.

Which was referred to the committee on public printing.

Mr. Benz introduced Senate Bill No. 237, entitled "An act to amend an act in reference to pleading and practice in this State," etc.

Read the first time, and referred to the committee on the judiciary.

Mr. Shirk introduced Senate Bill No. 238, entitled "An act to amend section 8 of an act entitled 'an act to amend an act entitled an act authorizing the construction of plank, macadamized and gravel roads, and to empower the same to make sale of a portion of their roads,' approved February 28, 1855."

Read the first time, and referred to the committee on roads.

Mr. Fowler introduced Senate Bill No. 239, entitled "An act providing for and requiring children from eight to fourteen years of age to attend school, or to be instructed at home at least fourteen weeks in each year, providing penalties for the violation hereof, and other matters pertaining hereto."

Read the first time, and referred to the committee on education.

Mr. Wilson introduced Senate Bill No. 240, entitled "An act to amend section 2 of an act to provide for the protection of wild game, and defining the time in which the same may be taken, and also providing for the protection of certain birds therein named, and their eggs, and prescribing the penalty for the violation of the same, and repealing all laws inconsistent therewith, approved March 5, 1877."

Read the first time, and referred to the committee on rights and privileges.

Mr. Menzies offered the following resolution:

Resolved, That hereafter the reading clerk of the Senate, in reading bills, resolutions, reports and any other matter pertaining to business before the Senate, shall occupy a position in front of the reporter's desk.

Which was adopted.

Mr. Burrell introduced Senate Bill No. 241, entitled "An act to amend section 5 of an act entitled an act to provide for the more speedy trial of causes and facilitate the transaction of business in courts, to provide for judges to try causes, and fix their compensation in certain cases therein named, to authorize adjourned terms of courts and enlarge the jurisdiction in certain specified cases, repealing conflicting provisions in other acts and declaring an emergency, approved March 7, 1877."

Read the first time and referred to the committee on the judiciary.

Mr. Woollen introduced Senate Bill No. 242, entitled "An act requiring boards of county commissioners, boards of school trustees and township trustees, to publish a statement of all allowances made by them."

Read the first time and referred to the committee on the judiciary.

Mr. Smith introduced Senate Bill No. 243, entitled "An act to amend sections 1 and 4 of an act supplementary and amendatory of an act entitled an act to provide for a uniform assessment of property," etc.

Read the first time and referred to the committee on the judiciary.

Mr. Fowler introduced Senate Bill No. 244, entitled "An act declaring title to real estate in vendee, when at the time of conveyance the vendor had no title," etc.

Read the first time and referred to the committee on the judiciary.

Mr. Taylor moved that when the Senate adjourn it be until 2 o'clock on Monday.

Mr. Fowler moved to amend by inserting 10 o'clock instead of 2.

The ayes and noes were demanded by Messrs. Burrell and Foster, which being ordered and taken resulted as follows:

Those who voted in the affirmative were: Senators Benz, Briscoe, Burrell, Cadwallader, Coffey, Comstock, Davenport, Davis, Foster, Fowler, Garrigus, Harris, Hart, Heilman, Kramer, Leeper, Ragan, Reiley, Shirk, Tarlton, Traylor, Treat, Trusler, Viehe, Winterbotham and Woollen—26.

Those who voted in the negative were: Senators Dice, Grubbs, Langdon, Menzies, Mercer, Moore, Olds, Poindexter, Sarnighausen, Shaffer, Smith, Taylor, Weir and Wilson—14.

The amendment was agreed to.

The question recurring on the motion as amended.

The ayes and noes were demanded by Messrs. Burrell and Benz, and being ordered and taken resulted as follows:

Those who voted in the affirmative were: Senators Briscoe, Cadwallader, Coffey, Comstock, Davenport, Davis, Dice, Foster, Fowler, Garrigus, Grubbs, Harris, Heilman, Leeper, Menzies, Mercer, Moore, Ragan, Sarnighausen, Shaffer, Shirk, Smith, Tarlton, Traylor, Treat, Viehe and Woollen—27.

Those who voted in the negative were: Senators Benz, Burrell, Hart, Kramer, Langdon, Olds, Poindexter, Reiley, Taylor, Trusler, Weir, Wilson and Winterbotham—13.

The motion was agreed to.

Mr. Viehe moved that two hundred copies of Senate Bill No. 174, with the report of the committee, be printed.

Which was agreed to.

Mr. Hart, by request, introduced Senate Bill No. 245, entitled "An act to provide that the mortgagors of real estate, or any other grantee, holder, or owner of the same, shall not be liable on execution for any deficiency, in case the mortgaged property does not sell for a sufficient amount to pay the principal, interest and costs, and a return of execution showing sale of such mortgaged property shall be a release of any further liability on account of such debt, interest and cost."

Read the first time, and referred to the committee on the judiciary.

Mr. Burrell introduced Senate Bill No. 246, entitled "An act to provide for the appointment of a board of railroad commissioners, and to define their powers, duties, and fixing their compensation, and other matters connected therewith."

Read the first time, and referred to the committee on railroads.

Mr. Kramer moved that Senate Bill No. 80 be made the special order for Wednesday at 2 P. M.

Which was agreed to.

The Senate adjourned.

(Approved.)

ISAAC P. GRAY,
President of the Senate.

MONDAY MORNING.

JANUARY 27, 1879.

The Senate met at 10 o'clock. Lieutenant-Governor Gray in the chair.

The session was opened with prayer by Rev. Father Bessonies.

Mr. Harris moved that the reading of the Journal of Saturday be dispensed with.

Which was agreed to.

Mr. Sarnighausen, from the committee on education, reported as follows :

MR. PRESIDENT:

Your committee on education, to whom was referred the communication of his excellency the Governor, recommending the sale of University park in the city of Indianapolis, and the use of the proceeds thereof for the support of the Indiana State University, in lieu of appropriation from the general fund of the State treasury, have had the same under consideration and directed me to report the same back, and to state that in the opinion of the committee it is at the present time inexpedient to sell or authorize the sale of said parcel of ground.

On motion of Mr. Sarnighausen, the report was concurred in.

Mr. Traylor, from the committee on county and township business, reported as follows :

MR. PRESIDENT:

Your committee on county and township business, to whom was referred Senate bill No. 199, the same being "An act to amend the first and second sections of an act providing for the organization of county boards, and prescribing some of their powers and duties, approved June 17, 1852, have had the same under consideration and a majority of said committee have instructed me to report the same back to the Senate, with the recommendation that it be indefinitely postponed.

Mr. Viehe, from the committee on the judiciary, reported Senate Bill No. 161, entitled "An act concerning bills of exceptions," with

the report of the committee suggesting certain amendments, and when amended recommending its passage and that two hundred copies of the bill be printed.

Mr. Olds, from the committee on county and township business, submitted a majority report on Senate Bill No. 137, entitled "An act requiring legal advertising to be done by the lowest bidders," etc., recommending that the bill do pass, and that two hundred copies of the same be printed.

Mr. Traylor, from the same committee, submitted a minority report on said bill, recommending that said bill be indefinitely postponed.

Which were placed on file without reading.

Mr. Foster offered the following resolution:

Resolved, That a committee of three Senators be appointed by the President of the Senate instanter, whose duty it shall be to repair immediately to the office of the Journal Printing Company, in this city, to ascertain the amount of printing done by order of the Senate the present session, and the cost thereof, and report the same to this body as soon as said information can be obtained.

Which was adopted.

Mr. Fowler introduced Senate Bill No. 247, entitled "An act to divide the State of Indiana into congressional districts."

Read the first time and referred to the committee on congressional apportionment, and one hundred copies ordered printed.

Mr. Shirk introduced Senate Bill No. 248, entitled "An act to secure homesteads to resident householders."

Read the first time, and referred to the committee on rights and privileges.

Mr. Sarnighausen introduced Senate Bill No. 249, entitled "An act to amend section 1 of an act entitled an act exempting certain lands therein described from taxation for general city or town purposes," etc.

Read the first time, and referred to the committee on corporations.

Mr. Winterbotham introduced Senate Bill No. 250, entitled "An act to fix the number of Senators and Representatives to the General Assembly of the State of Indiana, and to apportion the same among the several counties of the State."

Read the first time, and referred to the committee on apportionment.

Mr. Davenport introduced Senate Bill No. 251, entitled "An act to amend sections 3, 4, 7, 10, 11 and 14 of an act entitled 'an act to establish city courts in cities having a population of over six thousand inhabitants, defining their jurisdiction and mode of procedure therein,' approved March 12, 1875, and declaring an emergency."

Read the first time, and referred to the committee on the organization of courts.

Mr. Traylor introduced Senate Bill No. 252, entitled "An act to amend section 2 of an act defining certain misdemeanors, and prescribing punishment therefor, approved December 2, 1865."

Read the first time, and referred to the committee on the judiciary.

Mr. Leeper introduced Senate Bill No. 253, entitled "An act defining the manner in which certain lands and other property within the limits of a city or incorporated town may be taxed for corporation purposes."

Read the first time, and referred to the committee on corporations.

Mr. Viehe introduced Senate Bill No. 254, entitled "An act to provide for the payment of judges holding courts out of their circuits, and for the payment of attorneys holding court or presiding in the trial of causes, and authorizing their payment from the regular judges' salary in certain cases."

Read the first time, and referred to the committee on the judiciary.

Mr. Briscoe introduced Senate Bill No. 255, entitled "An act prescribing certain duties of the owners of lands, and other matters connected therewith, fixing penalties for the violations thereof, repealing conflicting laws and declaring an emergency."

Read the first time and referred to the committee on the judiciary.

Mr. Fowler introduced Senate Bill No. 256, entitled "An act to amend section 6 of an act entitled an act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State, to abolish distinct forms of action at law, etc., approved June 18, 1852."

Read the first time and referred to the committee on the judiciary.

Mr. Leeper introduced Senate Bill No. 257, entitled "An act em-

powering boards of county commissioners to render judgments for costs, and to enforce the collections of such costs by execution."

Read the first time and referred to the committee on the judiciary.

Mr. Sarnighausen introduced Senate Bill No. 258, entitled, "An act to legalize the acts of the board of commissioners of Allen county, and the acts of the common council of the city of Fort Wayne in the annexation of lots, lands and territory to the limits of the city of Fort Wayne, in said county, and declaring an emergency."

Read the first time and referred to the committee on corporations.

Mr. Wilson introduced Senate Bill No. 259, entitled "An act to fix the salaries of the judges of the supreme, circuit, superior and criminal circuit courts of this State, repealing all laws in conflict, and providing for time and manner of paying the same."

Read the first time and referred to the committee on finance.

Mr. Burrell introduced Senate Bill No. 260, entitled "An act to amend sections 39 and 43 of an act entitled an act to provide for a general system of common schools, the officers thereof, and their respective powers and duties and matters properly connected therewith, and prescribing the fees for certain officers therein named, and for the establishment and regulation of township libraries, and to repeal all laws inconsistent therewith, providing penalties therein prescribed, approved December 20, 1865, approved March 11, 1867, approved May 5, 1869, approved March 8, 1873, approved March 11, 1873, approved February 25, 1875, approved March 9, 1875, approved March 12, 1875, approved March 2, 1877."

Read the first time and referred to the committee on fees and salaries.

Mr. Wilson introduced Senate Bill No. 261, entitled "An act to amend section 2 of an act entitled an act in relation to county auditors, approved May 31, 1852, and declaring an emergency."

Read the first time and referred to the committee on finance.

Mr. Briscoe introduced Senate Bill No. 262, entitled "An act to repeal section 2 of an act entitled an act providing for the election and appointment of supervisors of highways and prescribing certain of their duties," etc.

Read the first time and referred to the committee on roads.

Mr. Fowler introduced Senate Bill No. 263, entitled "An act defining libel, and to prescribe punishment therefor."

Read the first time and referred to the committee on the judiciary.

Mr. Burrell introduced Senate Bill No. 264, entitled "An act to provide for the making and preservation of records of claims presented to and passed upon by the General Assembly, prescribing certain duties for the claims committee and their clerk, and the Secretary of State, and other matters connected therewith."

Read the first time.

Mr. Burrell moved that the rules be suspended, so that the bill could be read the second and third times and put upon its passage.

A constitutional rule requiring the ayes and noes, they were taken, and resulted as follows:

Those who voted in the affirmative were: Senators Briscoe, Burrell, Cadwallader, Coffey, Comstock, Davenport, Foster, Fowler, Garrigus, Grubbs, Harris, Hart, Kramer, Leeper, Menzies, Mercer, Moore, Olds, Peterson, Poindexter, Ragan, Sarnighausen, Shaffer, Shirk, Smith, Streight, Tarlton, Traylor, Trusler, Viehe, Weir, Wilson, Winterbotham and Woollen—34.

Those who voted in the negative were: Senators Davis, Langdon, Reiley and Taylor—4.

The constitutional rule was suspended.

Senate Bill No. 264 was then taken up and read the second time.

Mr. Langdon then moved that it be referred to the committee on the organization of courts.

Which was agreed to.

Mr. Leeper introduced Senate Bill No. 265, entitled "An act to provide for the appointment of receivers in certain cases."

Read the first time and referred to the committee on the organization of courts.

Mr. Wilson introduced Senate Bill No. 266, entitled "An act relative to the salary of Superintendent of Public Instruction, providing for the manner of paying the same, repealing all laws in conflict therewith, and declaring an emergency."

Read the first time and referred to the committee on finance.

Mr. Olds introduced Senate Bill No. 267, entitled "An act to amend section 1 of an act entitled an act to amend sections 550 and 561 of an act entitled an act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and

practice, without distinction between law and equity, approved June 18, 1852, approved March 14, 1877."

Read the first time and referred to the committee on the organization of courts.

The Lieutenant-Governor appointed the committee to investigate the amount of printing ordered by the Senate, to consist of Messrs. Foster, Woollen and Dice.

Mr. Sarnighausen moved that the nominations of the Governor for the offices of trustees of the State Normal School, be confirmed by the Senate.

Which was agreed to.

On motion of Mr. Viehe, Senate Bill No. 174 was ordered to lie on the table for the present.

Leave of absence was obtained for Messrs. Reeve, Urmstan and the special committee on printing, until 2 o'clock.

Senate Bill No. 163, entitled "An act further defining the duties of boards of commissioners in reference to the appointment of inspectors of elections," etc., was taken up and read the second time, with the report of the committee.

Which was concurred in, and the bill ordered engrossed.

Senate Bill No. 18, in reference to canal patents, was taken up and read the second time, with the report of the committee recommending its passage after certain amendments.

Which, on motion of Mr. Viehe, was laid on the table.

Senate Bill No. 45, entitled "An act requiring township trustees to levy taxes for one fund for the use of another," etc., was taken up and read the second time, with the report of the committee that it be indefinitely postponed.

Mr. Kent moved to refer the bill to the committee on corporations.

The Senate adjourned.

AFTERNOON SESSION.

JANUARY 27, 1879.

Senate met at 2 o'clock P. M.

Mr. Viehe, from the committee on the judiciary, reported bills numbered 66, 106, 191 and 168, all on the subject of interest; also a substitute entitled "An act concerning usury."

Mr. Harris reported Senate Bill No. 2, on the same subject, and moved that all bills on the subject of interest be made the special order for Thursday at 2 P. M.

Which was agreed to.

Mr. Leeper moved that five hundred copies of the substitute be printed.

The ayes and noes were demanded by Messrs. Briscoe and Foster.

Which being ordered and taken resulted as follows:

Those who voted in the affirmative were: Senators Comstock, Fowler, Grubbs, Harris, Kent, Kramer, Langdon, Leeper, Menzies, Mercer, Olds, Peterson, Poindexter, Sarnighausen, Shirk, Smith, Streight, Tarlton, Treat, Urmstan and Viehe—21.

Those who voted in the negative were: Senators Benz, Briscoe, Burrell, Cadwallader, Coffey, Davenport, Dice, Foster, Garrigus, Hart, Heilman, Moore, Ragan, Reiley, Shaffer, Traylor, Trusler, Weir, Wilson, Winterbotham, Woollen and Mr. President—22.

The motion was rejected.

Mr. Leeper then moved that two hundred copies be printed.

Which was agreed to.

The Senate then resumed the consideration of Senate Bill No. 45.

The question recurring on the motion to recommit the bill to the committee on corporations.

Messrs. Kent and Trusler demanded the ayes and noes.

Which being ordered and taken resulted as follows:

Those who voted in the affirmative were: Senators Coffey, Davenport, Davis, Dice, Fowler, Garrigus, Grubbs, Harris, Heilman, Kent, Kramer, Leeper, Mercer, Moore, Peterson, Reiley, Sarnighausen, Shaffer, Shirk, Smith, Streight, Taylor, Traylor, Urmstan, Viehe, Weir, Winterbotham and Woollen—28.

Those who voted in the negative were: Senators Benz, Briscoe, Burrell, Cadwallader, Comstock, Foster, Hart, Langdon, Olds, Poindexter, Ragan, Tarlton, Treat, Trusler and Wilson—15.

The motion to recommit was agreed to.

Mr. Peterson, from the committee on roads, reported Senate Bill No. 122, being "An act for the repair of free turnpike roads," etc., with the report of the committee suggesting certain amendments, and recommending its passage.

Which was placed on file without reading.

Mr. Coffey, from the committee on enrolled bills, reported as follows:

MR. PRESIDENT:

Your joint committee on enrolled bills have examined enrolled Senate Bill No. 32, and find the same correctly enrolled.

Senate Bill No. 71, entitled "An act authorizing justices of the peace to require additional replevin bail," etc., was taken up and read the second time, with the report of the committee.

Which was concurred in.

The bill was ordered engrossed.

Senate Bill No. 105, entitled "An act in relation to vendors' liens," etc., was taken up and read the second time, with the report of the committee recommending that it be indefinitely postponed.

Mr. Viehe moved that the bill be recommitted to the committee on the judiciary.

Which was agreed to.

Senate Bill No. 117, entitled "An act to abolish the criminal court of Allen county and transferring its business to the circuit court thereof," was taken up and read the second time, and with the report of the committee recommending that it be indefinitely postponed.

On the motion of Mr. Briscoe it was recommitted to the committee on the organization of courts.

Mr. Foster, from the special committee appointed to ascertain the cost of printing bills, etc., reported as follows:

MR. PRESIDENT:

The special committee appointed to ascertain the cost of printing bills, etc., by order of the Senate, have performed that duty and respectfully report, that seventeen bills have been printed at a cost

of \$92.80; the cost of printing two hundred copies of the rules of the Senate and one hundred and seventy-five copies of the calendar is \$75.16, making a total cost of printing for Senate, exclusive of the Governor's message, \$167.96.

Mr. Harris moved that the report be received and the committee discharged.

Which was agreed to.

Senate Bill No. 124, entitled "An act defining the jurisdiction of justices of the peace and mayors of cities in certain cases," was taken up and read the second time, with the report of the committee recommending its indefinite postponement.

Mr. Streight moved to refer the bill and the report of the committee to the committee on the organization of courts.

Mr. Fowler moved to lay the motion of Mr. Streight on the table.

The ayes and noes were demanded by Messrs. Streight and Fowler, and being ordered and taken resulted as follows:

Those who voted in the affirmative were: Senators Benz, Biscoe, Burrell, Coffey, Comstock, Fowler, Garrigus, Grubbs, Heilman, Kent, Moore, Olds, Peterson, Sarnighausen, Traylor, Urmstan, Viehe and Woollen—18.

Those who voted in the negative were: Senators Cadwallader, Davenport, Dice, Foster, Harris, Hart, Kramer, Langdon, Leeper, Mercer, Poindexter, Ragan, Reiley, Shaffer, Shirk, Smith, Streight, Taylor, Treat, Trusler, Weir and Wilson—22.

The motion to lie on the table was rejected.

The question recurring on the motion to refer the bill to the committee on the organization of courts.

It was agreed to.

Senate Bill No. 138, entitled "An act in relation to congressional township funds," etc., was taken up and read the second time, with the report of the committee recommending its passage.

Which was concurred in and the bill ordered engrossed.

Senate Bill No. 151, entitled "An act to amend sections 1 and 2 of an act entitled an act providing for the election and appointment of supervisors of highways, and providing certain of their duties," etc., was taken up and read the second time, with the report of the committee recommending that it be referred to the committee on roads.

Which was concurred in, and the bill referred to the committee on roads.

Senate Bill No. 156, entitled "An act touching the duties of township trustees and taxes for the fees and expenses of such," was taken up and read the second time, with the report of the committee recommending its indefinite postponement.

Which was concurred in.

Senate Bill No. 158, entitled "An act concerning married women," was taken up and read the second time, with the majority and minority reports of the committee.

Mr. Burrell moved that the bill be made the special order for Friday afternoon at 2 P. M., and that two hundred copies of the same be printed.

Mr. Olds moved that it be made the special order for Thursday week.

The motion was rejected.

Mr. Burrell's motion was then agreed to.

The Senate adjourned.

(Approved.)

ISAAC P. GRAY,

President of the Senate.

TUESDAY MORNING.

JANUARY 28, 1879.

The Senate met at 10 o'clock, Lieutenant-Governor Gray in the chair.

The session was opened with prayer by Rev. Tevis, of the Methodist Episcopal Church.

The Journal of yesterday was read and approved.

Mr. Tarlton presented a petition from the citizens of Johnson county, Indiana, praying for the enactment of a local optional temperance law.

Which was referred to the committee on temperance.

Mr. Briscoe presented the petition of citizens of Washington township, Allen county, praying that the criminal court be abolished.

Which was referred to the committee on the organization of courts.

Mr. Reeve presented a petition from the citizens of Marshall county, Indiana, asking that the constitution of the State be so amended as to prevent the manufacture and sale of intoxicating liquors as a beverage.

Which was referred to the committee on temperance.

Mr. Comstock presented a petition from the Society of Friends, in relation to the proper separation of the insane and idiotic, one from the other, and for other paupers, etc.

Which was referred to the committee on reformatory and benevolent institutions.

Mr. Harris, from the committee on railroads, reported Senate Bill No. 113, entitled "An act prohibiting townships, cities, towns and counties from making donations to railroads," etc.

Which, with the report of the committee recommending its passage, was placed on file without reading.

Mr. Peterson, from the committee on roads, reported Senate Bill No. 196, entitled "An act regulating the tolls charged on plank, macadamized or gravel roads," etc.

Which, with the report of the committee recommending its passage, was placed on file without reading.

Mr. Briscoe, from the committee on fees and salaries, reported Senate Bill No. 41, entitled "An act to reduce the fees and salaries, and other forms of compensation of clerks of circuit courts, county auditors, treasurers, recorders and sheriffs."

Which was, with the report of the committee recommending its indefinite postponement, placed on file without reading.

Mr. Briscoe, from the committee on fees and salaries, reported Senate Bill No. 96, entitled "An act to amend section 2 of an act entitled an act to fix the salaries of the judges of the supreme, circuit, superior and criminal courts of this State," etc., with the report of the committee recommending its indefinite postponement.

Which was placed on file without reading.

Mr. Woollen, from the committee on finance, reported Senate Bill No. 37, entitled "An act to enable boards of commissioners of the several counties of the State of Indiana to dispose of all allowances made and orders drawn upon the county treasurers of their

respective counties," etc., with the report of the committee suggesting certain amendments, and when so amended recommending its passage.

Which was placed on file without reading.

Mr. Woollen, from the committee on finance, reported Senate Bill No. 144, entitled "An act to repeal all laws or parts of laws now in force providing for the levy of a cash or money poll tax in this State."

Which, with the report of the committee that it be indefinitely postponed, was placed on file without reading.

Mr. Cadwallader, from the committee on finance, reported Senate Bill No. 3, entitled "An act making an appropriation to defray the expenses of the General Assembly of 1879."

Which, with the report of the committee recommending its indefinite postponement, was placed on file without reading.

Mr. Kramer, from the committee on finance, reported Senate Bill No. 214, entitled "An act supplemental to an act entitled an act prescribing the powers and duties of coroners," etc., together with the report of the committee recommending that it be indefinitely postponed.

Which was placed on file without reading.

The following message was received from the House by the clerk thereof:

MR. PRESIDENT:

I am directed by the Speaker of the House to inform the Senate that the Speaker has signed enrolled Senate bill No. 32, entitled "An act to allow to the judiciary committees of the Senate and House of Representatives of the State of Indiana, each a separate clerk especially for the business before them, repealing all conflicting acts and declaring an emergency," and the same is herewith returned to the Senate.

Mr. Ragan, from the committee on fees and salaries, reported Senate Bill No. 90, entitled "An act what shall be the salary of the Governor, the manner of paying the same," etc., which, with the report of the committee, suggesting certain amendments, and when so amended recommending its passage.

Which was placed on file without reading.

Mr. Sarnighausen submitted a minority report on said bill, recommending its indefinite postponement.

Which was also placed on file without reading.

Mr. Dice, from the committee on fees and salaries, reported Senate Bill No. 11, entitled "An act fixing the compensation of employes of the General Assembly."

Which, with the report of the committee recommending that the bill lie upon the table, was placed on file without reading.

Mr. Grubbs, from the judiciary committee, reported Senate Bill No. 217, entitled "An act amending the rules of practice in civil cases," with the report of the committee recommending that it be indefinitely postponed.

Which was placed on file without reading.

Mr. Burrell, from the judiciary committee, reported Senate Bill No. 5, entitled "An act to legalize defective sheriffs' sales."

Which, with the report of the committee recommending that it be indefinitely postponed, was placed on file without reading.

Senate Bill No. 6, an act regulating the acknowledgment of deeds, etc., together with a majority report of the committee of the judiciary recommending that it do pass; also with a minority report of Messrs. Burrell and Comstock dissenting, was placed on file without reading.

Mr. Kent, from the committee on the judiciary, reported Senate Bill No. 177, entitled "An act to repeal section 6 of an act concerning promissory notes," etc.

Which, with the report of the committee recommending its indefinite postponement, was placed on file without reading.

Mr. Kent, from the committee on the judiciary, reported Senate Bill No. 128, "An act to exempt a homestead and other property," with the report of the committee recommending that it be indefinitely postponed, was placed on file without reading.

Mr. Kent, from the committee on the judiciary, reported Senate Bill No. 31, entitled "An act regulating interest on money," etc.

Which, with the report of the committee recommending its indefinite postponement, was placed on file without reading.

Mr. Comstock, from the committee on the judiciary, reported Senate Bill No. 200, entitled "An act to amend section 315 of the practice act," together with the report of the committee that it be indefinitely postponed.

Was placed on file without reading.

Mr. Comstock, from the committee on the judiciary, reported Senate Bill No. 36, entitled "An act to exempt property from sale in certain cases," with the report of the committee recommending that it be indefinitely postponed.

Which was placed on file without reading.

Mr. Urmstan, from the committee on finance, reported Senate Bill No. 166, entitled "An act to amend sections 1 and 4 of an act for the assessment of property," etc.

Which, with the report of the committee recommending its indefinite postponement, was placed on file without reading.

Mr. Dice, from the committee on fees and salaries, reported Senate Bill No. 10, "An act fixing the per diem of the members of the General Assembly," etc., with a majority report recommending its passage, and also a minority report recommending that it be indefinitely postponed.

Which were placed on file without reading.

Mr. Davis, from the committee on finance, reported Senate Bill No. 150, entitled "An act declaring when the judges of the State shall be paid their salaries," together with the report of the committee, with an accompanying substitute for said act, and recommending that said substitute do pass, and that it be assigned the same place and number as the original bill.

Which was placed on file without reading.

Mr. Reeve, from the committee on the judiciary, reported Senate Bill No. 91 entitled "An act to amend section 455 of an act entitled an act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases," etc.

Which, with the report of the committee recommending its passage, was placed on file without reading.

Mr. Reeve, from the committee on the judiciary, reported Senate Bill No. 28, entitled "An act concerning married women," etc.

Which, with the report of the committee recommending that it do lie upon the table, was placed on file without reading.

Mr. Reeve, from the committee on the judiciary, reported Senate Bill No. 81, entitled "A bill relating to the rights of married women," etc., together with the report of the committee thereon recommending that it do lie upon the table.

Which was placed on file without reading.

Mr. Reeve, from the committee on the judiciary, reported Senate Bill No. 20, entitled "An act concerning married women."

Which, with the report of the committee recommending its indefinite postponement, was placed on file without reading.

Mr. Reeve, from the committee on the judiciary, reported Senate Bill No. 123, entitled "An act defining the meaning of the first provision of the second section of an act entitled 'an act for the relocation of county seats,' etc.

Which, with the report of the committee recommending its passage, after certain amendments, was placed on file without reading.

Mr. Reeve, from the committee on the judiciary, reported the resolution of Mr. Trusler requesting said committee to draft and report a bill reducing interest on money.

Which, with the report of the committee recommending its indefinite postponement, was placed on file without reading.

Mr. Reeve, from the judiciary committee, reported Senate Bill No. 167, entitled "An act defining the rights and liabilities of married women," etc.

Which, with the report of the committee recommending that it do lie on the table, was placed on file without reading.

Mr. Reeve, from the judiciary committee, reported Senate Bill No. 181, entitled "A bill to amend section 18 of an act entitled 'an act regulating descents and the apportionment of estates,' etc.

Which, with the report of the committee recommending its indefinite postponement, was placed on file without reading.

Mr. Menzies introduced the following resolution:

WHEREAS, The public burdens have become so onerous that retrenchment and economy are necessary in every branch of the public service; and

WHEREAS, The belief is widespread in this State that the expense of education is too great, and that the public schools and that the revenues set apart and created for their support are being managed and operated in conflict with the constitution of the State and at variance with the wishes of the people, and that great abuses have grown and become a part of our system of education; and

WHEREAS, Expending public revenues for establishing and maintaining what are known as "high schools," and the further maintaining of colleges and universities is a violation of the constitution; and

WHEREAS, The laws of this State foster the abuses aforesaid, and have been interpreted and executed to that end; therefore be it

Resolved, That every effort should be made to keep taxation for common school purposes and the use of the common school fund of the State within the limits defined by the letter and spirit of the constitution of the State.

Resolved, That the committee on education be and are hereby instructed to report at their earliest convenience a bill revising our school laws, prohibiting the expenditure of school funds and revenue for any other than common schools, prohibiting frequent changes in text books, putting a limit to and a check upon the extravagance of township trustees and school boards in erecting costly school houses and filling them, frequently, with expensive and unnecessary furniture, and repealing all laws by which any college or university within this State draws money from the public treasury.

Which was referred to the committee on education.

Mr. Sarnighausen offered the following resolution as a substitute:

Resolved, That the State Superintendent of Public Instruction be and the same is hereby requested to furnish, at his earliest convenience, to the Senate, a statement in respect to what extent the local school levies, now authorized by law, can be reduced without injury to the public schools of the State.

Mr. Langdon moved to refer both resolutions to the committee on education.

Which was agreed to.

Mr. Winterbotham, from the committee on finance, reported the following resolution:

MR. PRESIDENT:

Your committee on finance direct me to report the following resolution, with the recommendation that it do pass.

Resolved, That all regular and special committees of the Senate, whose action on matters referred to them involves an appropriation or expenditure of the public funds, through this General Assembly, be, and are, hereby instructed to make all reports involving such questions of expenditure prior to the fifteenth day of February, in order to facilitate the action of the finance committee on the appropriation and tax levy bills.

Which was adopted.

Mr. Foster moved to reconsider the vote adopting resolution for printing bills on recommendation of committees.

Mr. Fowler moved to lay the motion on the table.

Messrs. Foster and Olds demanded the ayes and noes, which, being ordered and taken, resulted as follows:

Those who voted in the affirmative were: Senators Benz, Cadwallader, Coffey, Comstock, Davenport, Davis, Fowler, Garrigus, Grubbs, Harris, Hart, Heilman, Kent, Kramer, Langdon, Leeper, Peterson, Poindexter, Reeve, Sarnighausen, Shirk, Smith, Streight, Tarlton, Taylor, Treat, Truster, Urmstan, Weir, Winterbotham and Wood—31.

Those who voted in the negative were: Senators Briscoe, Burrell, Dice, Foster, Major, Menzies, Mercer, Olds, Ragan, Reiley, Shaffer, Traylor, Wilson and Woollen—14.

The motion to lay on the table was agreed to.

Mr. Kramer introduced Senate Bill No. 268, entitled "An act to fix the times of holding courts in the second judicial circuit of the State of Indiana, prescribing the length of terms thereof, repealing all laws in conflict therewith, and declaring an emergency."

Read the first time and referred to the committee on the judiciary.

Mr. Reeve introduced Senate Bill No. 269, entitled "An act prohibiting the leasing or renting of dwellings to be occupied by prostitutes or gamblers; prohibiting the practice of prostitution or gambling in rented dwellings or tenements, providing penalties, and other matters connected with the subject matter."

Read the first time and referred to the committee on the judiciary.

Mr. Streight introduced Senate Bill No. 270, entitled "An act to repeal an act to amend the first and thirteenth sections of an act entitled an act to establish superior courts, defining their jurisdiction," etc.

Read the first time and referred to the committee on the organization of courts.

Mr. Comstock introduced Senate Bill No. 271, entitled "An act enlarging the jurisdiction of mayors of cities and justices of the peace in criminal cases, and declaring an emergency."

Read the first time and referred to the committee on the judiciary.

Mr. Leeper introduced Senate bill No. 272, entitled "An act to amend section 12 of an act entitled an act to provide for a uniform

assessment of property, and for the collection and return of taxes thereon, approved December 21, 1872."

Read the first time and referred to the committee on finance.

Mr. Langdon introduced Senate Bill No. 273, entitled "A bill for an act defining felonies," etc.

Read the first time and referred to the committee on the judiciary.

Mr. Ragan introduced Senate Bill No. 274, entitled "An act to relieve Thomas A. Jones, of Hendricks county, Indiana, from a judgment taken against him on the official bond of Lawrence S. Shuler, Warden of the Southern Penitentiary of the State of Indiana, and declaring an emergency."

Read the first time and referred to the committee on the judiciary.

Mr. Reeve introduced Senate Bill No. 275, entitled "An act to secure more perfect legislation and facilitate the passage and perfection of laws."

Read the first time and referred to the committee on the judiciary.

Mr. Menzies introduced Senate Bill No. 276, entitled "An act regulating submissions in the supreme court, whenever the issues are complete by joinder in error, and where error is joined after filing the record of the cause in such court."

Read the first time and referred to the committee on the judiciary.

The Senate adjourned.

AFTERNOON SESSION.

JANUARY 28, 1879.

The Senate reassembled at 2 o'clock P. M. Lieutenant-Governor Gray in the chair.

Mr. Viehe, on behalf of the judiciary committee, introduced substitute bill No. 277, on the subject of interest.

Read the first time and made the special order for Thursday, January 30, 1879, at 2 o'clock P. M.

Mr. Reeve introduced Senate Bill No. 278, entitled "A bill for an act providing for who may practice medicine and surgery, and carry on the business of apothecary and pharmaceutics, who may

make and vend medical compounds, patent or proprietary medicine, providing for a state board of examiners and licensing the persons therein named, providing penalties, prescribing the duties of persons therein named and other matters connected with the subject matter."

Read the first time and referred to the committee on the judiciary.

Mr. Wilson, by request, introduced Senate Bill No. 279, entitled "An act to legalize the acknowledgments of all deeds, mortgages and other instruments required to be recorded, taken and certified by notaries public who took and certified such acknowledgments after their commissions had expired and their appointments had been vacated by accepting and holding a lucrative office or otherwise."

Read the first time and referred to the committee on the judiciary.

Mr. Comstock introduced Senate Bill No. 280, entitled "An act supplemental to an act to establish public libraries, approved February 16, 1852, defining the powers and duties of township trustees in relation to libraries established for the benefit and use of all the inhabitants of a township by private donation."

Read the first time and referred to the committee on the judiciary.

Mr. Fowler introduced Senate Bill No. 281, entitled "An act amending sections 1 and 2 of an act approved March 9, 1867, concerning interest on money, and to provide for recoupment of usurious interest."

Read the first time and referred to the committee on the judiciary.

Mr. Benz introduced Senate Bill No. 282, entitled "An act to repeal sections 1, 2 and 3 of an act entitled an act supplementary of an act entitled an act to provide for a uniform assessment of property, and for the collection and return of taxes thereon, approved December 21, 1872."

Read the first time and referred to the committee on the judiciary.

Mr. Grubbs introduced Senate Bill No. 283, entitled "An act to divide the State of Indiana into congressional districts."

Read the first time and referred to the committee on congressional apportionment.

Mr. Fowler introduced Senate Bill No. 284, entitled "An act to exempt property from sale in certain cases."

Read the first time and referred to the committee on the judiciary.

Mr. Wood introduced Senate Bill No. 285, entitled "A bill to declare one-half of all fines imposed in any county in this State for

violations of the criminal laws for the use and work of the public highways," etc.

Read the first time, and referred to the committee on the judiciary.

Mr. Reeve introduced Senate Bill No. 286, entitled "An act in relation to voting in case of levy of special taxes or assessments by towns, cities, and such other authority as may be authorized by law to levy and collect special taxes or assessments, declaring who may and who may not vote at any proceeding in the nature of a decision by ballot, called or organized under any competent authority to take the sense or will of any portion of the people of this State on the subject of such levy or assessment, and when the persons to be affected are called upon to decide if such levy or assessment shall be made, providing penalties, and other matters properly connected with the subject matter, and modifying all conflicting laws to conform to this act."

Read the first time, and referred to the committee on the judiciary.

Mr. Urmstan introduced, by request, Senate Bill No. 287, entitled "An act to amend section 1 of an act entitled 'an act authorizing the appointment of special administrators, and prescribing their duties in certain cases,' approved February 19, 1857, and declaring an emergency."

Read the first time and referred to the committee on the judiciary.

Mr. Viehe introduced, by request, Senate Bill No. 288, entitled "An act to amend the fifty-sixth, seventy-eighth and three hundred and fifty-fourth section of an act approved June 18, 1852, and entitled an act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleadings and practice, without distinction between law and equity."

Read the first time and referred to the committee on the judiciary.

Mr. Reeve introduced Senate Bill No. 289, entitled "A bill for an act defining vagrancy, authorizing the arrest of vagrants, and requiring them to labor, and prescribing penalties for vagrancy, defining and fixing the powers and duties of justices of the peace and other officers, providing for costs and for compensation to officers for restraining and controlling vagrants, prescribing the duties and liabilities of railroad companies and employers therein in regard to vagrants, affixing penalties, and providing for actions against them,

and other matters connected with the subject matter of this act, and declaring an emergency."

Read the first time and referred to the committee on the judiciary.

The Lieutenant-Governor laid before the Senate the following communication from the Secretary of State:

OFFICE OF THE SECRETARY OF STATE,
INDIANAPOLIS, January 28, 1879.

To Hon. Isaac P. Gray,

President of the Senate:

SIR: In response to the resolution of the Senate, requesting the Secretary of State to lay on the desks of Senators one copy each of the Brevier Reports, I beg to say that said reports were duly delivered on Monday last.

Respectfully, etc.,

JOHN GILBERT SHANKLIN,
Secretary of State.

The following message was received from the House by the Clerk thereof:

MR. PRESIDENT:

I am directed by the Speaker of the House to inform the Senate that the House has passed the following concurrent resolution:

Resolved by the House of Representatives (the Senate concurring therein), That the Senate and House of Representatives will, on Wednesday, the fifth day of February, 1879, meet in joint convention of the two Houses, in the Hall of the House of Representatives, at 10 o'clock A. M., and proceed to the election of the following officers, to-wit:

One State Librarian.

Three Directors of the Prison North.

Two Directors of the Prison South.

And the same is respectfully submitted to the Senate for its concurrence therein.

The following message was also received from the House by the Clerk thereof:

MR. PRESIDENT:

I am directed by the Speaker of the House to inform the Senate that the House has voted to accept the invitation of the Indianapolis Board of Trade, to attend at the Board of Trade Rooms, on Monday, February 3, 1879, at 7½ o'clock P. M., to hear a lecture

on the subject of "Brazil and its relation to American trade and commerce."

Mr. Harris moved to accept the invitation of the Board of Trade. Which was agreed to.

Mr. Reeve introduced Senate Bill No. 290, entitled "An act creating a bureau of labor statistics, the appointment of a commissioner for the same, defining his powers and duties, and appropriating money to carry out the provisions of this act, and declaring an emergency."

Read the first time and referred to the committee on the judiciary.

Mr. Reeve introduced Senate Bill No. 291, entitled "A bill for an act relating to employment of mechanics in and about the benevolent institutions and other public buildings belonging to the State," etc.;

Read the first time and referred to the committee on the judiciary.

Mr. Reeve introduced Senate Bill No. 292, entitled "An act to preserve documentary evidence on the files of the courts of this State, and prohibiting the entry of judgments on written evidence of debt until the original shall be filed with the clerk and endorsed as provided in this act, repealing conflicting acts and declaring an emergency."

Read the first time and referred to the committee on the judiciary.

Mr. Taylor introduced Senate Bill No. 293, entitled "An act to amend section 19 of an act entitled an act prescribing the powers and duties of justices of the peace in State prosecutions, approved May 29, 1873."

Read the first time and referred to the committee on the organization of courts.

Mr. Wilson introduced, by request, Senate Bill No. 294, entitled "An act to encourage the destruction of chicken hawks, and declaring an emergency."

Read the first time and referred to the committee on agriculture.

Mr. Streight moved to take up bills on their second reading.

The motion was agreed to.

Senate Bill No. 15, entitled "An act decreasing the number of petit jurors," was taken up and read the second time, with the report of the committee recommending its indefinite postponement.

Which was concurred in.

Senate Bill No. 24, entitled "An act to enforce the attendance of witnesses who have been subpoenaed," etc., together with the report of the committee recommending that it be referred to the committee on the judiciary, was read the second time and the report concurred in.

Senate Bill No. 25, entitled "An act providing for the election and appointment of supervisors of highways," etc., was read the second time, together with the report of the committee recommending that it be referred to the committee on elections, and, on motion, the report of the committee was concurred in.

Senate Bill No. 26, entitled "A bill to declare all patents issued by the Governor of the State of Indiana and the records thereof, and all patents that may be hereafter issued to be received as evidence," etc., together with the report of the committee thereon, was read the second time and, on motion, was laid on the table.

Senate Bill No. 30, entitled "An act to authorize guardians to settle the estates of deceased wards," was taken up and read the second time, with the report of the committee suggesting certain amendments, and when so amended recommending its passage.

Which was concurred in and the bill ordered engrossed.

Senate Bill No. 38, entitled "An act to regulate the advertising and letting of contracts for the building and repair of bridges," was taken up and read the second time, with the report of the committee recommending its passage.

Mr. Burrell moved that the bill be indefinitely postponed.

Which was rejected.

Mr. Comstock then moved that the bill be laid on the table.

Which was agreed to.

The Senate adjourned.

(Approved.)

ISAAC P. GRAY,
President of the Senate.

WEDNESDAY MORNING.

JANUARY 29, 1879.

The Senate met at 10 o'clock. Lieutenant-Governor Gray in the chair.

The session was opened with prayer by the Rev. Dr. Andrews of Central Avenue church.

The Journal of yesterday was read and approved.

The Lieutenant-Governor laid before the Senate a communication from the Auditor of State in reference to the money drawn from the State Treasury on behalf of Purdue University, the Normal School and State University.

The following message was received from the House by the Clerk thereof:

MR. PRESIDENT:

I am directed by the Speaker of the House to inform the Senate that the House has passed the following engrossed Senate bill, to-wit:

Senate Bill No. 4, entitled "An act to repeal an act entitled an act to establish a superior court in the county of Wayne, defining its jurisdiction and providing for the election and compensation of the judge thereof, approved March 10, 1877, and providing for the transfer of business pending in said court to the circuit court of said county."

Also Senate Bill No. 51, entitled "An act fixing the times of holding court in the eleventh judicial circuit of the State of Indiana, prescribing the length of terms thereof, and repealing all laws in conflict herewith, and declaring an emergency."

And the same is herewith returned to the Senate.

The Lieutenant-Governor laid before the Senate a communication from the Auditor of State, showing the amount of fees, salaries and perquisites received by the various county officers of this State during the past year.

{ *Dr. P. H. Jameson, president of the board of benevolent institutions, in obedience to a resolution of the Senate, submitted three

itemized statements from the Hospital for the Insane, the Institute for the Blind and the Institute for the Deaf and Dumb, of what is designated as the "Incidental Fund," setting forth the receipts and expenditures, etc.

Which, on motion of Mr. Fowler, was referred to the committee on benevolent and reformatory institutions.

The Senate adjourned.

AFTERNOON SESSION.

JANUARY 29, 1879.

Senate reassembled at 2 o'clock.

The Lieutenant-Governor announced the special order to be Senate Bill No. 80, entitled "An act abolishing certain offices in cities and incorporated towns in the State of Indiana," etc.

Which was taken up and read the second time.

Mr. Dice moved to strike out sections 2 and 3.

Mr. Urmstan moved to indefinitely postpone.

Mr. Fowler moved to recommit the bill.

Mr. Briscoe moved the previous question.

Which was seconded by the Senate.

The question being on the motion to indefinitely postpone, Messrs. Burrell and Foster demanded the ayes and noes, which being ordered and taken resulted as follows:

Those who voted in the affirmative were: Senators Cadwallader, Coffey, Foster, Heilman, Kent, Leeper, Major, Mercer, Peterson, Poindexter, Reeve, Tarlton, Urmstan, Viehe and Winterbotham—15.

Those who voted in the negative were: Senators Benz, Briscoe, Comstock, Davenport, Davis, Dice, Donham, Fowler, Garrigus, Grubbs, Harris, Hart, Hefron, Kramer, Langdon, Menzies, Moore, Olds, Ragan, Reiley, Sarnighausen, Shaffer, Shirk, Smith, Streight, Taylor, Traylor, Treat, Trusler, Weir, Wilson, Wood and Woolen—33.

The motion was not adopted.

The motion of Mr. Fowler to recommit was then agreed to.

Substitute for Senate Bill No. 88, entitled, "An act to provide for the appointment of a probate commissioner, defining his powers and duties, fixing his compensation," etc.

Was taken up and read the second time.

Mr. Reeve moved that the bill be engrossed.

Mr. Briscoe moved to amend section 3.

Mr. Olds moved to postpone further consideration of the bill until Tuesday at 2 o'clock P. M.

Mr. Fowler moved that the bill be indefinitely postponed.

Which was agreed to.

The Senate adjourned.

(Approved.)

ISAAC P. GRAY,
President of the Senate.

THURSDAY MORNING.

JANUARY 30, 1879.

The Senate met at 10 o'clock, A. M., with Lieutenant-Governor Gray in the chair.

The session was opened with prayer by the Rev. Dr. Pye, of the Third Street M. E. Church.

The journal of yesterday was read and approved.

Senate Bill No. 30, entitled "An act to authorize guardians to settle the estate of deceased wards," was taken up and read the third time.

The question being, shall the bill pass?

The ayes and noes were ordered, and being taken, resulted as follows:

Those who voted in the affirmative were: Senators Benz, Briscoe, Burrell, Cadwallader, Coffey, Comstock, Davenport, Davis, Dice, Donham, Fowler, Garrigus, Grubbs, Harris, Hart, Heilman, Kent, Kramer, Langdon, Leeper, Major, Menzies, Mercer, Moore, Olds, Peterson, Poindexter, Ragan, Reeve, Reiley, Sarnighausen, Shaffer, Shirk, Smith, Tarlton, Taylor, Traylor, Treat, Trusler,

Urmstan, Viehe, Weir, Wilson, Winterbotham, Wood and Woollen—46.

Mr. Hefron voting in the negative.

The bill passed.

Senate bill No. 58, entitled "An act concerning prisoners in jail," was taken up and read the third time.

The question being, shall the bill pass?

The ayes and noes were ordered and taken, resulting as follows:

Those who voted in the affirmative were: Senators Benz, Biscoe, Burrell, Cadwallader, Coffey, Comstock, Davenport, Davis, Dice, Donham, Foster, Fowler, Garrigus, Grubbs, Harris, Hart, Hefron, Heilman, Kent, Kramer, Langdon, Leeper, Major, Menzies, Mercer, Moore, Peterson, Poindexter, Ragan, Reeve, Reiley, Sarnighausen, Shaffer, Shirk, Smith, Streight, Tarlton, Taylor, Traylor, Treat, Trusler, Urmstan, Viehe, Weir, Wilson, Winterbotham, Wood and Woollen—48.

No one voting in the negative.

The bill passed.

Mr. Viehe moved that two hundred copies of Senate Bill No. 277 be printed.

The motion was agreed to.

Senate Bill No. 71, entitled "An act authorizing justices of the peace to require additional replevin bail in cases where insufficient bail has been taken, and where the replevin bail has become insufficient to secure the payment of the judgment," was taken up and read the third time.

The question being, shall the bill pass?

The ayes and noes were ordered, and being taken resulted as follows:

Those who voted in the affirmative were: Senators Benz, Biscoe, Burrell, Cadwallader, Coffey, Comstock, Davenport, Davis, Dice, Donham, Foster, Fowler, Garrigus, Grubbs, Harris, Hart, Heilman, Kent, Kramer, Langdon, Leeper, Major, Mercer, Moore, Peterson, Poindexter, Ragan, Reeve, Reiley, Sarnighausen, Shaffer, Smith, Streight, Tarlton, Taylor, Traylor, Trusler, Urmstan, Viehe, Weir, Wilson, Winterbotham, Wood and Woollen—44.

No one voting in the negative.

The bill passed.

Senate Bill No. 101, entitled "An act repealing the act approved March 6, 1865, entitled an act to authorize the formation of companies for the construction of waterworks in and for incorporated cities, to enable such cities to subscribe stock in such companies, and to issue and sell bonds in payment thereof, and declaring an emergency," was taken up and read the third time.

The question being, shall the bill pass?

The ayes and noes were ordered and taken, resulting as follows:

Those who voted in the affirmative were: Senators Benz, Burrell, Coffey, Comstock, Davenport, Davis, Dice, Donham, Foster, Fowler, Garrigus, Grubbs, Harris, Hart, Heilman, Kent, Kramer, Langdon, Leeper, Major, Menzies, Mercer, Moore, Olds, Peterson, Poindexter, Ragan, Reeve, Reiley, Sarnighausen, Shaffer, Shirk, Smith, Streight, Tarlton, Taylor, Traylor, Treat, Trusler, Urmstan, Viehe, Weir, Wilson, Winterbotham, Wood and Woollen—46.

Those who voted in the negative were: Senators Briscoe, Cadwallader and Hefron—3.

The bill passed.

Senate Bill No. 119, entitled "An act to abolish the superior court of Cass county," was taken up, and on motion of Mr. Viehe was laid on the table.

Senate Bill No. 125, entitled "An act providing for the punishment of persons in the possession of stolen personal property in this State, having stolen the same in another State or Territory of the United States, or in any foreign country, and for the punishment of persons who shall buy, receive, conceal, or aid in the concealment of stolen personal property in this State, knowing it to have been stolen in some other State or Territory of the United States, or foreign country, and for the punishment of aiders and abettors in certain cases," was taken up and read the third time.

The question being, shall the bill pass?

The ayes and noes were ordered, and being taken resulted as follows:

Those who voted in the affirmative were: Senators Benz, Briscoe, Burrell, Cadwallader, Coffey, Comstock, Davenport, Davis, Dice, Donham, Foster, Fowler, Garrigus, Grubbs, Harris, Hart, Hefron, Heilman, Kent, Kramer, Langdon, Leeper, Major, Menzies, Mercer, Moore, Olds, Peterson, Poindexter, Ragan, Reeve,

Reiley, Sarnighausen, Shaffer, Shirk, Smith, Streight, Tarlton, Taylor, Traylor, Treat, Trusler, Urmstan, Viehe, Weir, Wilson, Winterbotham, Wood and Woollen—49.

No one voting in the negative.

The bill passed.

Mr. Comstock moved to amend the title by striking out "and for the punishment of aiders and abettors in certain cases."

Which was agreed to.

Senate Bill No. 138, entitled "An act relating to congressional township school funds, the loan of fractional sums thereof by combining into a miscellaneous fund, requiring a full distribution of all funds required to be on hand by law, prescribing penalties, and declaring an emergency, and other matters connected with the subject matter of the act."

Was taken up and read the third time.

The question being, shall the bill pass?

The ayes and noes were ordered, and being taken resulted as follows:

Those who voted in the affirmative were: Senators Benz, Biscoe, Burrell, Cadwallader, Coffey, Comstock, Davenport, Davis, Donham, Foster, Fowler, Garrigus, Hart, Hefron, Heilman, Kent, Kramer, Langdon, Leeper, Major, Menzies, Mercer, Moore, Olds, Peterson, Poindexter, Ragan, Reeve, Reiley, Sarnighausen, Shaffer, Shirk, Smith, Streight, Tarlton, Traylor, Urmstan, Viehe, Wilson, Wood and Woollen—41.

Those who voted in the negative were: Senators Dice, Grubbs, Taylor, Treat, Trusler and Winterbotham—6.

The bill passed.

Mr. Viehe moved to amend the title by striking out the words "declaring an emergency" and the words "and other matters connected with the subject matter of the act."

Which was agreed to.

Senate Bill No. 163, entitled "An act further defining the duties of boards of commissioners in reference to the appointment of inspector of elections and defining certain misdemeanors, with penalties therefor," was taken up and read the third time.

The question being, shall the bill pass?

Senate Jour—12

The ayes and noes were ordered, and being taken resulted as follows:

Those who voted in the affirmative were: Senators Cadwallader, Comstock, Davenport, Dice, Garrigus, Grubbs, Harris, Heilman, Kramer, Langdon, Mercer, Moore, Olds, Peterson, Poindexter, Ragan, Shaffer, Shirk, Streight, Treat and Wilson—21.

Those who voted in the negative were: Senators Benz, Briscoe, Burrell, Coffey, Davis, Donham, Foster, Fowler, Hart, Hefron, Leeper, Major, Menzies, Reeve, Reiley, Sarnighausen, Smith, Tarlton, Taylor, Traylor, Trusler, Urmstan, Viehe, Weir, Winterbotham, Wood and Woollen—27.

The bill failed to pass.

Senate Bill No. 192, entitled "An act to amend section 468 of an act entitled an act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State, to abolish distinct forms of action at law and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity, approved June 18, 1852," was taken up and read the third time.

The question being, shall the bill pass?

The ayes and noes were ordered, and being taken resulted as follows:

Those who voted in the affirmative were: Senators Burrell, Cadwallader, Coffey, Comstock, Davenport, Dice, Garrigus, Grubbs, Harris, Hart, Hefron, Heilman, Kent, Langdon, Leeper, Mercer, Moore, Olds, Peterson, Poindexter, Ragan, Reeve, Shaffer, Shirk, Smith, Streight, Taylor, Traylor, Treat, Trusler, Viehe, Weir, Wilson and Wood—34.

Those who voted in the negative were: Senators Benz, Briscoe, Davis, Donham, Foster, Fowler, Kramer, Major, Menzies, Reiley, Tarlton, Urmstan, Winterbotham and Woollen—14.

The bill passed.

Mr. Dice introduced Senate Bill No. 295, entitled "An act regulating the working and ventilating of coal mines and declaring a lien upon the works and machinery for work and labor in mining coal, and providing penalties for the violation thereof."

Read the first time and referred to the committee on mines.

Mr. Shirk, from the committee on benevolent institutions, reported Senate Bill No. 108, entitled "An act to secure to inmates of

the Insane Hospital the right to communicate with persons outside," etc.

Which, with the report of the committee, was placed on file without reading.

Mr. Shirk, from the same committee, reported Senate Bill No. 109, entitled "An act to authorize inquisitions of insanity," etc.

Which, with the report of the committee, was placed on file without reading.

Mr. Poindexter introduced Senate Bill No. 296, entitled "An act to fix the times for holding the circuit courts, and the length of the terms thereof, in the Fourth Judicial Circuit, and in regard to the return of process and other business in said courts, and repealing all laws in conflict therewith, and declaring an emergency."

Read the first time and referred to the committee on the organization of courts.

Mr. Streight offered the following resolution :

Resolved by the Senate (the House of Representatives concurring therein), That with a view of attracting immigration from abroad the State Geologist is hereby authorized and instructed to have prepared, in as brief and condensed a form as practicable, a pamphlet setting forth the resources and advantages of Indiana, that the same be accompanied by a small map of the State showing its civil divisions, and by a certificate of the Governor, and by a copy of this resolution, and that 100,000 copies thereof be printed in English and the same number in German for distribution in this and other countries under the direction of the State Geologist.

The question being on the adoption of the resolution, Messrs. Ragan and Harris demanded the ayes and noes, which were ordered and being taken resulted as follows :

Those who voted in the affirmative were: Senators Comstock, Davis, Garrigus, Grubbs, Harris, Heilman, Langdon, Mercer, Moore, Reeve, Sarnighausen, Shaffer, Streight, Taylor and Treat—15.

Those who voted in the negative were: Senators Benz, Briscoe, Burrell, Cadwallader, Coffey, Davenport, Donham, Foster, Hart, Hefron, Kent, Kramer, Leeper, Major, Menzies, Peterson, Poindexter, Ragan, Reiley, Shirk, Smith, Tarlton, Traylor, Trusler, Urmstan, Viehe, Weir, Wilson, Winterbotham, Wood and Woollen—31.

The resolution was not adopted.

Mr. Hefron introduced Senate Bill No. 297, entitled "An act to abolish the office of State Geologist, providing for the transfer of all apparatus, specimens, and property in the office of the State Geologist, belonging to the State of Indiana, to the custody and control of the State Board of Agriculture, repealing conflicting laws, and declaring an emergency."

Read the first time and referred to the committee on rights and privileges.

Mr. Cadwallader introduced Senate Bill No. 298, entitled "An act providing for the recording of mortgages, declaring them to be lien on property of date of record, regardless of date of execution or delivery, and declaring deeds of real estate to be prior liens over mortgages in certain cases, repealing conflicting laws, and declaring an emergency."

Read the first time, and referred to the committee on the judiciary.

Mr. Streight introduced Senate Bill No. 299, entitled "An act regulating mileage and matters properly connected therewith."

Read the first time, and referred to the committee on finance.

Mr. Sarnighausen presented a petition from citizens of Allen county, praying for the abolishment of the criminal court of Allen county."

Which was referred to the committee on the organization of courts.

Mr. Langdon presented a statement from the clerk of Tippecanoe county, in reference to the fees, etc., of the clerk's office of said county, etc.

Which was referred to the committee on fees and salaries.

Mr. Reeve presented a memorial.

Which was referred to the committee on temperance without reading.

Mr. Poindexter presented a petition from citizens of Clark county.

Which was referred to the committee on fees and salaries.

Mr. Briscoe presented a petition from citizens of Allen county, praying that the criminal court be abolished, etc.

Which was referred to the committee on the organization of courts.

The Senate adjourned.

AFTERNOON SESSION.

JANUARY 30, 1879.

The Senate reassembled at 2 o'clock P. M. Lieutenant-Governor Gray in the chair.

Mr. Reeve, from the committee on the judiciary, reported Senate Bill No. 93, entitled "An act touching foreign corporations, and providing that certain acts thereof shall work forfeitures," with the report of the committee recommending that it lie upon the table.

Which was placed on file without reading.

Mr. Reeve, from the committee on the judiciary, reported Senate Bill No. 95, entitled "An act in relation to foreign corporations," etc., with the report of the committee recommending that it lie upon the table.

Which was placed on file without reading.

Mr. Reeve, from the committee on the judiciary, reported Senate Bill No. 111, entitled "An act relating to foreign corporations, associations and companies, authorizing them to acquire title to real estate," etc., with the report of the committee suggesting certain amendments, and when so amended recommending its passage.

Which was placed on file without reading.

The Lieutenant-Governor announced the special order, being the consideration of Senate Bill No. 277, entitled "An act concerning interest and usury."

Mr. Langdon moved to postpone the consideration of the bill until Tuesday, at 2 o'clock P. M.

Mr. Menzies moved to lay the motion of Mr. Langdon on the table.

Which was agreed to.

Mr. Harris moved that the Senate now resolve itself into committee of the whole, Mr. Woollen in the chair, for the consideration of the bill.

Which was agreed to.

Mr. Woollen, from the committee of the whole, reported as follows:

MR. PRESIDENT:

The committee of the whole has had under consideration Senate Bill No. 277, relating to interest and usury, and recommend the following amendments:

Strike out in line 3, section 1, the words, "When the parties do not agree on the rate;" and in the same section, line 6, strike out all after the word "valid," and ask to sit again on Friday at 2 o'clock P. M.

Mr. Viehe moved to lay the report on the table.

Messrs. Foster and Kent demanded the ayes and noes, which being ordered and taken resulted as follows:

Those who voted in the affirmative were: Senators Cadwallader, Comstock, Davenport, Davis, Donham, Garrigus, Grubbs, Harris, Heilman, Moore, Olds, Peterson, Reeve, Sarnighausen, Shaffer, Shirk, Smith, Streight, Taylor, Viehe, Weir and Wilson—22.

Those who voted in the negative were: Senators Benz, Briscoe, Burrell, Coffey, Foster, Hart, Hefron, Kent, Kramer, Langdon, Leeper, Major, Menzies, Mercer, Poindexter, Ragan, Reiley, Tarlton, Traylor, Treat, Trusler, Urmstan, Winterbotham, Wood and Woollen—25.

The motion to lay the report on the table was not agreed to.

Mr. Burrell moved to concur in the report.

■ The Senate adjourned.

(Approved.)

ISAAC P. GRAY,
President of the Senate.

FRIDAY MORNING.

JANUARY 31, 1879.

Senate met at 10 o'clock, Lieutenant-Governor Gray in the chair.

The session was opened with prayer by the Rev. Jacob Rothwiler, of the German M. E. Church.

The Journal of yesterday was read and approved.

Mr. Wilson presented a petition from the citizens of Jefferson county, Indiana, asking that laws be enacted reducing the rate of toll permitted to be charged on gravel and turnpike roads.

Which was referred to the committee on roads.

Mr. Sarnighausen presented a petition from citizens of Allen county, praying that the criminal court of Allen county be not abolished.

Which was referred to the committee on the organization of courts.

Mr. Major presented a petition from citizens of Newton county in relation to the passage of a homestead and exemption law.

Which was referred to the committee on the judiciary.

Mr. Major also presented a petition from citizens of Newton county in relation to interest.

Which was referred to the committee on the judiciary.

Mr. Major presented a petition from citizens of Benton, Newton and Jasper counties in reference to railroad transportation.

Which was referred to the committee on railroads.

Mr. Garrigus presented a petition from the citizens of Howard county, Indiana, and others, asking that, in case a law was passed creating a State board of medical examiners, a certain class of medical practitioners, known as "Hygienists," be exempted from undergoing an examination before such board, or to permit them to be examined before a board composed of physicians of their own class.

Which was referred to the committee on sanitary purposes.

Mr. Taylor, from the committee on county and township business, reported Senate Bill No. 208, entitled "An act supplemental and amendatory to an act entitled 'an act to provide for a uniform assessment of property,'" etc., with the report of the committee recommending that it be indefinitely postponed.

Which was placed on file without reading.

Mr. Traylor, from the committee on county and township business, reported Senate Bill No. 209, entitled "An act to authorize appeals from boards of commissioners in certain cases," etc., with the report of the committee recommending its reference to the judiciary committee.

Which was placed on file without reading.

Mr. Tarlton, from the committee on agriculture, reported Senate Bill No. 94, entitled "An act limiting the height of hedge fences,"

etc., with the report of the committee suggesting certain amendments, and, when so amended, recommending its passage.

Which was placed on file without reading.

Mr. Tarlton, from the committee on agriculture, reported Senate Bill No. 74, entitled "An act to amend section 12 of an act entitled 'an act to enable owners of wet lands to drain and reclaim them when the same can not be done without affecting the lands of others,'" etc., with the report of the committee recommending its passage.

Which was placed on file without reading.

Mr. Tarlton, from the committee on agriculture, reported Senate Bill No. 49, entitled "An act to prevent the running at large of domestic animals," etc., with the report of the committee recommending that the bill do lie on the table.

Which was placed on file without reading.

Mr. Donham, from the committee on agriculture, reported Senate Bill No. 210, entitled "An act to prevent swine from running at large," with the report of the committee recommending its indefinite postponement.

Which was placed on file without reading.

Mr. Sarnighausen, from the committee on sanitary affairs, reported Senate Bill No. 8, entitled "An act to prevent grave robbing and the disturbance of graves," etc., with the report of the committee recommending that it lie upon the table.

Which was placed on file without reading.

Mr. Sarnighausen, from the committee on sanitary affairs, reported Senate Bill No. 97, entitled "An act making the removal of the dead body of any deceased person from interment, without the consent of such deceased person, or his or her relatives, or by direction of the coronor, a felony, and providing a penalty therefor," with the report of the committee recommending that it lie upon the table.

Which was placed on file without reading.

Mr. Sarnighausen, from the committee on sanitary affairs, reported Senate Bill No. 136, entitled "An act in relation to the use of human bodies for the purposes of dissection," etc., with the report of the committee recommending its passage after certain amendments.

Which was placed on file without reading and two hundred copies were ordered printed.

Mr. Sarnighausen, from the committee on sanitary affairs, reported Senate Bill No. 9, entitled "An act to promote the science of medicine and surgery," etc., with the recommendation that it pass after certain amendments.

Which was placed on file without reading.

Mr. Reiley, from the committee on elections, reported Senate Bill No. 7, entitled "An act to prevent corruption at elections and imposing penalties for such offences," with the report of the committee recommending its indefinite postponement.

Which was placed on file without reading.

Mr. Reiley, from the committee on elections, reported Senate Bill No. 33, entitled "An act to amend section 1 of an act entitled an act to provide for township elections," etc., with the report of the committee recommending that it be indefinitely postponed.

Which was placed on file without reading.

Mr. Reiley, from the committee on elections, reported Senate Bill No. 188, entitled "An act to amend section 1 of an act entitled an act providing for township elections," etc., with the report of the committee that it be indefinitely postponed.

Which was placed on file without reading.

Mr. Reiley, from the committee on elections, reported Senate Bill No. 197, entitled "An act to protect the ballot box," etc., with the report of the committee recommending its passage.

Which was placed on file without reading.

Mr. Reiley, from the committee on elections, reported Senate Bill No. 25, entitled "An act to amend section 1 of an act entitled an act providing for the election and qualification of supervisors of highways," etc., with the report of the committee suggesting certain amendments, and when so amended recommending its passage.

Which was placed on file without reading.

Mr. Viehe, from the committee on the organization of courts, reported Senate Bill No. 117, entitled "An act to abolish the criminal court of Allen county," etc., with the report of the committee recommending that it be indefinitely postponed.

Which was placed on file without reading.

Mr. Viehe, from the committee on the judiciary, reported Senate Bill No. 211, entitled "An act regulating the interest on money, judgments and decrees," etc., with the report of the committee recommending that it be indefinitely postponed.

Which was placed on file without reading.

Mr. Viehe, from the committee on the judiciary, reported Senate Bill No. 218, entitled "An act to amend section 8 of an act to repeal all general laws for the incorporation of cities," etc., with the report of the committee, recommending that it be indefinitely postponed.

Which was placed on file without reading.

Resolution No. 16, having been under consideration by the committee on the judiciary, the same was reported back, with a majority and minority report.

Which was placed on file without reading.

Mr. Sarnighausen reported Senate Bill No. 175, entitled "An act providing for the appointment and qualification of county superintendents, repealing all acts and parts of acts in conflict herewith, and declaring an emergency," with the report of the committee, suggesting certain amendments, and when so amended recommending its passage.

Which was placed on file without reading.

Mr. Burrell, from the committee on the judiciary, reported Senate Bill No. 112, entitled "An act to authorize administrators and executors to convey real estate sold by decedents in their life-time," etc., with the report of the committee, recommending that it be indefinitely postponed.

Which was placed on file without reading.

Mr. Burrell, from the committee on the judiciary, reported Senate Bill No. 139, entitled "An act to prevent waste and injury to real estate," with the report of the committee, recommending its indefinite postponement.

Which was placed on file without reading.

Mr. Burrell, from the committee on the judiciary, reported Senate Bill No. 225, entitled "An act giving justices of the peace jurisdiction in proceedings in supplementary executions," with the report of the committee recommending its passage.

Which was placed on file without reading.

Mr. Burrell, from the committee on the judiciary, reported Senate Bill No. 77, entitled "A bill to amend section 354 of an act entitled 'an act to revise, simplify and abridge the rules, practice and pleadings,'" etc., with the report of the committee recommending that it be indefinitely postponed.

Which was placed on file without reading.

Mr. Kent, from the judiciary committee, reported Senate Bill No. 212, entitled "An act declaring agreements to waive valuation and appraisal laws," etc., with the report of the committee that it be indefinitely postponed.

Which was placed on file without reading.

Mr. Kent, from the committee on judiciary, reported Senate Bill No. 64, entitled "An act to amend an act concerning frauds and perjuries," with the report of the committee recommending its indefinite postponement.

Which was placed on file without reading.

Mr. Coffey, from the committee on the organization of courts, reported Senate Bill No. 219, entitled "An act to amend section 529 of the practice act," etc., with the report of the committee recommending its indefinite postponement.

Which was placed on file without reading.

Mr. Comstock, from the committee on the judiciary, reported Senate Bill No. 254, entitled "An act providing for the payment of judges holding courts out of their circuits," etc., with the report of the committee suggesting certain amendments, and when so amended recommending its passage.

Which was placed on file without reading.

Mr. Comstock, from the committee on the judiciary, reported Senate Bill No. 232, entitled "An act to amend section 8 of the divorce act," with the report of the committee recommending that it do pass.

Which was placed on file without reading.

Mr. Comstock, from the committee on the judiciary, reported Senate Bill No. 245, entitled "An act to provide that the mortgagor of real estate or any other grantor, holder or owner of such mortgaged property, shall not be liable on execution for any deficiency," etc., with the report of the committee recommending that it be indefinitely postponed.

Which was placed on file without reading.

Mr. Comstock, from the committee on the judiciary, reported Senate Bill No. 278, entitled "Who may practice medicine," etc., with the report of the committee recommending its passage after certain amendments.

Which was placed on file without reading.

Mr. Harris, from the committee on the judiciary, reported Senate Bill No. 62, entitled "An act to amend section 2 of an act to secure dues from private corporations," etc., with the report of the committee recommending its passage.

Which was placed on file without reading.

Mr. Harris, from the committee on the judiciary, reported Senate Bill No. 142, entitled "An act to make valid the sales of real estate in the State of Indiana made by commissioners appointed to carry out the provisions of any will," etc., with the report of the committee recommending its passage.

Which was placed on file without reading.

Mr. Harris, from the committee on the judiciary, reported Senate Bill No. 173, entitled "An act providing for the publication of notice to defendant in certain proceedings in bastardy," etc., with the report of the committee recommending its passage.

Which was placed on file without reading.

Mr. Dice from the committee on corporations, reported Senate Bill No. 23, entitled "An act to legalize the acts of the common council and of the mayor of the town of Huntington," with the report of the committee recommending its passage.

Which was placed on file without reading.

Mr. Urmstan, from the committee on temperance, submitted a majority report on Senate Bill No. 116, entitled "An act to amend sections 3 and 4 of an act to regulate and license the sale of spirituous, vinous, malt, and other intoxicating liquors," etc., recommending its postponement.

Which, with the bill, was placed on file without reading.

Mr. Treat, from the same committee, submitted a minority report on the same bill, suggesting certain amendments, and when so amended recommending its passage.

Which, with the bill, was placed on file without reading.

Mr. Foster, from the committee on public printing, reported as follows:

MR. PRESIDENT:

The committee on public printing, to whom was referred Senate Resolution No. 11, adopted January 25, 1879, have had the same under consideration, and I am instructed to report the following substitute back to the Senate, with the recommendation that the same do pass:

WHEREAS, The committee on public printing have had under consideration a resolution adopted by the Senate January 25, 1879, and

WHEREAS, The acts of the General Assembly do not reach the county officers of the respective counties of this State for many months after their enactment; and

WHEREAS, It is important that the distribution of said acts should take place as soon as practicable. Therefore, be it

Resolved by the Senate (the House of Representatives concurring therein), That all laws, in the order of their enactment and as soon thereafter as practicable, be printed at the lowest possible cost, and in sufficient numbers, to supply each clerk's and auditor's office and bar association of the State with a copy thereof.

On motion of Mr. Foster the report was taken up.

Mr. Harris moved to strike out the words "lowest possible cost," and insert "in the cheapest manner possible."

Mr. Viehe moved to recommit and so amend as to apply only to acts containing an emergency clause.

Which was not agreed to.

Mr. Ragan presented the petition of citizens of Hendricks county, praying for the passage by the Legislature of Senate Bill No. 274, for the relief of Thomas N. Jones.

Which was referred to the committee on the judiciary.

Mr. Moore, from the committee on corporations, reported Senate Bill No. 154, entitled "An act supplemental to an act entitled an act concerning the organization and perpetuity of voluntary associations," etc., with the report of the committee recommending its passage after certain amendments.

Which was placed on file without reading.

Mr. Peterson, from the committee on roads, reported Senate Bill No. 238, entitled "An act to amend section 8 of an act entitled an act to amend an act entitled an act authorizing the construction of plank, macadamized and gravel roads," etc., with the report of the committee recommending its passage.

Which was placed on file without reading.

Mr. Shirk, from the committee on rights and privileges, reported Senate Bill No. 205, entitled "An act to provide against unjust charges by surgeons and physicians," etc., with the report of the

committee recommending that the bill be referred to the committee on military affairs.

Which was concurred in.

Mr. Fowler, from the committee on insurance, reported Senate Bill No. 115, entitled "An act providing for the trial of causes instituted in the courts of this State against foreign life and fire insurance companies," etc., with the report of the committee suggesting certain amendments, and when so amended recommending its passage.

Which was placed on file without reading.

Mr. Trusler, from the committee on roads, reported Senate Bill No. 262, entitled "An act to repeal section 2 of an act entitled an act providing for the election and appointment of supervisors of highways," etc., with the report of the committee recommending its indefinite postponement.

Which was placed on file without reading.

Mr. Weir, from the committee on rights and privileges of the inhabitants of the State, reported Senate Bill No. 248, entitled "An act to secure homesteads to resident householders," with the report of the committee recommending its passage.

Which was placed on file without reading.

Mr. Weir, from the committee on agriculture, reported Senate Bill No. 67, entitled "An act to restrain certain animals therein named from running at large," etc., with the report of the committee recommending that it lie upon the table.

Which was placed on file without reading.

Mr. Mercer, from the committee on rights and privileges of the inhabitants of the State, reported Senate bill No. 236, entitled "An act to amend section 2 of an act providing for the protection of wild game," etc., with the report of the committee recommending its passage.

Which was placed on file without reading.

Mr. Mercer, from the committee on rights and privileges of the inhabitants of the State, reported Senate Bill No. 240, entitled "An act to amend section 2 of an act to provide for the protection of wild game," etc., with the recommendation that it lie on the table.

Which was placed on file without reading.

Mr. Grubbs, from the committee on the judiciary, reported Senate Bill No. 66, entitled "An act allowing the judges of the supreme

court to have a clerk each," with the report of the committee, recommending its indefinite postponement.

Which was placed on file without reading.

Mr. Grubbs, from the committee on the judiciary, reported Senate Bill No. 281, entitled "An act amending sections 1 and 2 of an act concerning interest on money," etc., with the report of the committee, recommending its indefinite postponement.

Which was placed on file without reading.

Mr. Olds, from the committee on education, reported Senate Bill No. 202, entitled "An act amending section 26 of an act entitled an act to provide for a general system of common schools," with the report of the committee, recommending that the bill do lie on the table.

Which was placed on file without reading.

Mr. Olds, from the committee on county and township business, reported Senate Bill No. 233, entitled "An act to authorize the county commissioners of the several counties of this State to purchase the books, stationery," etc., with the report of the committee, recommending that it be indefinitely postponed.

Which was placed on file without reading.

Mr. Wood, from the committee on corporations, reported Senate Bill No. 22, entitled "An act to legalize and make valid the acts and proceedings of the boards of trustees of the town of New Haven, in Allen county, and other towns," etc., with the report of the committee, recommending its passage after certain amendments.

Which was placed on file without reading.

Leave of absence until Tuesday noon was asked and obtained for Messrs. Heilman, Davenport, Winterbotham, Kramer, and Traylor.

Leave of absence was asked and obtained for Mr. Poindexter till Monday.

Mr. Sarnighausen introduced Senate Bill No. 300, entitled "An act to amend sections 26 and 61 of an act entitled an act to repeal all general laws now in force for the incorporation of cities, and to provide for the incorporation of cities, prescribing their forms and rights and the manner in which they shall exercise the same, and to regulate such other matters as properly pertain thereto, approved March 14, 1867, and declaring an emergency."

Read the first time and referred to the committee on corporations.

Mr. Donham, by request, introduced Senate Bill No. 301, entitled "An act to repeal an an act providing for the election and appointment of supervisors of highways."

Read the first time and referred to the committee on roads.

Mr. Winterbotham introduced Senate Bill No. 302, entitled "An act to divide the State of Indiana into congressional districts."

Read the first time and referred to the committee on congressional apportionment.

Mr. Leeper introduced Senate Bill No. 303, entitled "An act to amend section 1 of an act entitled an act to enable farmers and citizens of any county in the State of Indiana to form voluntary associations for the purpose of insuring their property against loss by fire or lightning, and all other matters connected therewith, and enable them to sue and be sued by their corporate name, approved March 14, 1877."

Read the first time and referred to the committee on insurance.

Mr. Streight introduced Senate Bill No. 304, entitled "An act providing for the appointment of a railroad commissioner, prescribing his powers and duties, and fixing his compensation, and other matters properly connected therewith."

Read the first time and referred to the committee on railroads.

Mr. Shaffer introduced Senate Bill No. 305, entitled "A Bill to provide for the construction of fish ladders over dams, and the maintenance of the same."

Read the first time and referred to a special committee, with Mr. Shaffer as chairman.

This bill was accompanied by a petition of citizens of Wells county, and six petitions signed numerously by citizens of the State, praying for a law of this kind.

Mr. Streight introduced Senate Bill No. 306, entitled "An act to better protect sheep, discourage the keeping of sheep killing dogs, and providing penalties for the violation of the provisions thereof."

Read the first time and referred to the committee on agriculture.

Mr. Menzies, from the committee on the organization of courts, reported Senate Bill No. 83, entitled "An act to amend section 9 of an act providing for the election and qualification of justices of the peace, and defining their powers and duties in civil cases," with the report of the committee suggesting certain amendments, and when so amended recommending its passage.

Which was placed on file without reading.

Mr. Menzies, from the committee on the organization of courts, reported Senate Bill No. 61, entitled "An act to amend section 4 of an act providing for the election of county sheriffs and prescribing some of their duties," with the report of the committee suggesting certain amendments, and when so amended, recommending its passage.

Which was placed on file without reading.

Mr. Menzies introduced Senate Bill No. 307, entitled "An act to amend section 784 of the practice act."

Read the first time, and referred to the committee on the judiciary.

Mr. Kramer introduced Senate Bill No. 308, entitled "An act supplementary and amendatory of an act entitled 'an act to provide for a uniform assessment of property, and for the collection and return of taxes thereon,' approved December 21, 1872; providing for and fixing the rate to be allowed for the annual publication of delinquent lists, repealing all laws in conflict with the provisions of this act, and declaring an emergency."

Read the first time, and referred to the committee on county and township business.

Mr. Comstock introduced Senate Bill No. 309, entitled "An act to amend sections 13 and 14 of an act entitled 'an act to establish a house of refuge for the correction of juvenile offenders,' " etc.

Read the first time, and referred to the judiciary committee.

Mr. Reeve moved to take up Senate Bill No. 123, and concur in the report of the committee.

Which was rejected.

Mr. Fowler introduced Senate Bill No. 310, entitled "An act to regulate conditional sales of personal property, and providing for the recording of the terms of the conditions, and providing compensation for the recorder."

Read the first time, and referred to the committee on the judiciary.

Mr. Poindexter, by request, introduced Senate Bill No. 311, entitled "An act to repeal sections 11, 14, 16 and 17 of an act to create a state normal school and declare an emergency, approved December 20, 1865, and also to repeal sections 3 and 4 of an act to amend an act entitled an act to create a state normal school and declare an emergency, approved December 20, 1865, and adding supplemental

sections thereto, and providing for certain appropriations, approved March 5, 1873, and declaring an emergency."

Read the first time and referred to the committee on education.

Mr. Wilson introduced Senate Bill No. 312, entitled "An act to authorize the appointment of a commissioner of fisheries for the State of Indiana, defining his duties and declaring an emergency."

Read the first time and referred to the special committee, Mr. Shaffer, chairman.

The Senate adjourned.

(Approved.)

ISAAC P. GRAY,
President of the Senate.

AFTERNOON SESSION.

JANUARY 31, 1879.

The Senate reassembled at 2 o'clock, Lieutenant-Governor Gray in the chair.

Mr. Ragan offered the following resolution:

WHEREAS, Section 13 of an act relating to the organization of the two houses of the General Assembly, approved December 23, 1872, makes it the duty of the Secretary of the Senate, as soon after the organization of the Senate as possible, to prepare or cause to be prepared and placed in a conspicuous place in the Senate Chamber, an accurate and complete list of the names of the officers (excepting the President) and employes connected with the Senate, naming the position which each employe occupies, with corrections as changes may be made; and

WHEREAS, Such list has not yet been posted in the Senate Chamber, although more than three weeks of the session has already passed; therefore be it

Resolved, That the Principal Secretary be required at once to cause to be posted in this chamber the necessary list of employes, in compliance with the provisions of the law above referred to.

Which was adopted.

Mr. Traylor introduced Senate Bill No. 313, entitled "An act to

legalize sheriffs,' administrators,' guardians' and commissioners' sales of real estate in certain cases."

Read the first time and referred to the committee on the judiciary.

Mr. Langdon, by request, introduced Senate Bill No. 314, entitled "An act amending the twenty-eighth section of an act authorizing the construction of plank, macadamized and gravel roads."

Read the first time and referred to the committee on the judiciary.

The following message was received from the House by the Clerk thereof:

MR. PRESIDENT:

I am directed by the Speaker of the House to inform the Senate that the House has passed Enrolled Senate Joint Resolution No. 1, entitled "Senate joint resolution amending section 2 of article 2 of the constitution, and prescribing the qualifications of voters."

I am further directed by the Speaker to inform the Senate that the House has passed Enrolled Senate Joint Resolution No. 2, entitled "A joint resolution proposing amendments to section 5 of article 2 of the constitution."

I am further directed by the Speaker of the House to inform the Senate that the House has passed Enrolled Senate Joint Resolution No. 3, entitled "A joint resolution proposing amendments to section 14 of article 2 of the constitution."

And the same are herewith returned to the Senate.

The Lieutenant-Governor announced the special order, which was the consideration of Senate Bill No. 158, entitled "An act concerning married women."

Mr. Menzies moved to postpone the consideration of the bill until Wednesday at 2 o'clock.

Messrs. Foster and Hefron demanded the ayes and noes, which being ordered and taken resulted as follows:

Those who voted in the affirmative were: Senators Benz, Briscoe, Burrell, Coffey, Davis, Donham, Foster, Fowler, Hart, Hefron, Major, Menzies, Ragan, Reiley, Tarlton, Traylor, Treat, Trusler, Urmstan and Woollen—20.

Those who voted in the negative were: Senators Cadwallader, Comstock, Davenport, Dice, Garrigus, Grubbs, Harris, Langdon, Mercer, Moore, Olds, Peterson, Poindexter, Reeve, Shaffer, Shirk,

Smith, Streight, Taylor, Viehe, Weir, Wilson and Winterbotham—23.

The motion was rejected.

The question recurring on the consideration of the bill, Mr. Reeve moved to amend section 7 by inserting after the word "knowledge," in the second line, the words "and consent in writing, delivered to the contractor or person making the repairs and improvements."

Which was adopted.

Mr. Olds moved to amend section 1 by inserting the words "in certain cases," after the word "property," in line three.

Which was rejected.

Mr. Harris moved to adopt section 1.

Which was agreed to.

Mr. Comstock offered the following:

I move to amend the second section by striking out all of the first and second lines of said section preceding the word "a," in the second line of said section.

Mr. Olds moved to lay the amendment on the table.

Which was rejected.

Mr. Fowler offered the following:

Amend section 2 as follows: Insert after the word "consents," in line 2, the following words: "in writing, and such writing to be recorded in the miscellaneous record in the recorder's office of the county where such married woman resides, for the recording of which the recorder shall be entitled to charge and receive twenty-five cents, and such written consent shall be in full force until revoked on the record."

Which was rejected.

Mr. Comstock's amendment was then adopted.

Mr. Burrell offered the following amendment:

Amend section 2 by striking out the following, in line 5, to-wit: "other than labor for her husband or family."

Which was rejected.

Mr. Reeve moved to reconsider the vote adopting the amendment offered by Mr. Comstock.

Mr. Viehe moved to lay the motion to reconsider on the table.

Messrs. Langdon and Olds demanded the ayes and noes, which being ordered and taken, resulted as follows :

Those who voted in the affirmative were: Senators Benz, Biscoe, Burrell, Cadwallader, Coffey, Comstock, Davenport, Davis, Dice, Donham, Foster, Grubbs, Hart, Hefron, Langdon, Leeper, Major, Menzies, Mercer, Moore, Peterson, Poindexter, Ragan, Reiley, Sarnighausen, Shirk, Smith, Tarlton, Taylor, Traylor, Trusler, Urmstan, Veihe, Wilson, Wood and Woollen—36.

Those who voted in the negative were: Senators Fowler, Garigus, Harris, Kent, Olds, Reeve, Shaffer, Streight, Weir and Winterbotham—10.

The motion to lay on the table was agreed to.

On motion of Mr. Harris section 2 was then adopted.

Mr. Olds offered the following: To strike out section 3 and insert the following:

That whenever any married woman is engaged in any trade, business, labor or services as provided for in section 1 of this act, she shall have power to contract in regard to such separate business the same as though she were a femme sole, and shall have the management and control of her separate real and personal property, and power to encumber the same to secure the performance of any contract made by her in connection with her separate trade, business, labor or services, and her separate real and personal property shall be liable on execution or other judicial process for the payment of any debt so contracted in connection with her said separate trade, business, labor or services, and unless her husband consents thereto affirmatively and make use of such property and its proceeds, he shall in no wise be held liable for any debt so contracted by her: *Provided, however,* That the provisions of this section shall not apply to women not engaged in trade, business, labor, services separate from her husband, and provided she shall in no case be liable as security on note or other instrument in writing.

Mr. Harris moved that the amendment be rejected.

Mr. Streight demanded the previous question.

The question recurring on the adoption of the amendment offered by Mr. Olds, it was rejected.

Mr. Hefron offered the following amendment: Strike out of the

fifth line of section 3 the word "affirmatively," and insert in lieu thereof the words "in writing."

Which was agreed to.

Mr. Briscoe offered the following amendment: Strike out of the third section all after the word "process," in line 5 of said section.

Which was adopted.

Mr. Harris moved the adoption of section 3, as amended.

Which was agreed to.

Mr. Grubbs offered the following:

Amend section 4, by adding the following: "*Provided, however,* That if she shall have attempted to convey her real estate, or shall have agreed to convey the same, and shall have received the whole, or any part of the consideration therefor, the person paying such consideration, or the person for whose benefit the same was paid, shall have the right to sue and recover judgment therefor, and the same may be enforced against any property of such married woman."

Which was adopted.

Mr. Viehe moved to fill the blank with "three."

Which was agreed to.

On motion of Mr. Harris section 4, as amended, was adopted.

Mr. Viehe offered the following amendment to section 5: Strike out the word "alone." Strike out all after the words "not be found."

Which was agreed to.

Mr. Menzies offered the following amendment: Amend section 5 by striking out all of the remainder of the section in line two, after the word "property."

Which was agreed to.

On motion of Mr. Harris, section 5 was adopted.

Mr. Wood offered the following amendment to section 6: Strike out all after the word "property," in line four.

Which was rejected.

On motion of Mr. Harris, section 6 was adopted.

Mr. Menzies offered the following amendment: Amend section 7 so that the husband shall not make repairs or improvements upon the real estate of the wife without her consent, in writing, for which the wife or her estate shall be liable.

Mr. Dice offered the following substitute :

Sec. 7. Whenever the husband causes repairs or improvements to be made on the real property of the wife with her knowledge and consent in writing delivered to the contractor or person making the repairs or improvements, he shall be held to act as her agent, and he shall not be liable.

Messrs. Reeve and Burrell demanded the ayes and noes.

Which being ordered and taken resulted as follows :

Those who voted in the affirmative were: Senators Benz, Burrell, Cadwallader, Comstock, Davenport, Dice, Garrigus, Grubbs, Harris, Leeper, Mercer, Moore, Poindexter, Reeve, Sarnighausen, Shaffer, Smith, Viehe and Wood—19.

Those who voted in the negative were: Senators Briscoe, Coffey, Davis, Donham, Foster, Fowler, Hefron, Langdon, Menzies, Olds, Peterson, Ragan, Reiley, Shirk, Streight, Tarlton, Taylor, Trusler, Urmstan, Weir, Wilson and Woollen—22.

The substitute was rejected.

Mr. Comstock offered the following substitute :

Whenever the husband causes repairs or improvements to be made on the real property of the wife with her knowledge and consent thereto in writing, delivered to the contractor or person performing the labor or furnishing the materials, she shall alone be liable for materials furnished or labor done.

Which was adopted.

Mr. Viehe moved to amend section 8 by striking out all after the word "property."

The section as amended was then adopted.

Mr. Harris moved to fill the blank in section 9 with \$300.

Mr. Menzies moved to amend by inserting \$200.

Which was rejected.

Mr. Burrell moved to amend by inserting \$600.

Messrs. Burrell and Olds demanded the ayes and noes, which being ordered and taken, resulted as follows :

Those who voted in the affirmative were: Senators Benz, Briscoe, Burrell, Langdon, Major, Olds and Wilson—7.

Those who voted in the negative were: Senators Coffey, Comstock, Davenport, Davis, Dice, Foster, Fowler, Garrigus, Grubbs,

Harris, Hart, Hefron, Kent, Leeper, Menzies, Mercer, Moore, Peterson, Ragan, Reeve, Reiley, Sarnighausen, Shaffer, Shirk, Smith, Streight, Tarlton, Taylor, Trusler, Urmstan, Viehe, Weir and Wood—33.

The amendment was rejected.

Mr. Harris' amendment was then agreed to.

Mr. Menzies moved to amend as follows: Strike out in line five the word "vertu."

Which was rejected.

Mr. Burrell moved to strike out two hundred in line four and insert three hundred.

Which was rejected,

Mr. Harris moved that the section stand as amended.

The motion was agreed to.

Mr. Reeve offered the following additional section :

Section 10. All conveyances or transfers of property, real or personal, made by a husband to his wife, while he is indebted to any other person, he being otherwise insolvent, such conveyance or transfer shall be null and void as against creditors of the husband existing at the time, and as against them the wife shall take no title, whether said conveyance or transfer be made directly or indirectly through some third person.

The ayes and noes were demanded by Messrs. Reeve and Olds, and being ordered and taken resulted as follows:

Those who voted in the affirmative were: Senators Burrell, Cadwallader, Dice, Harris, Major, Mercer, Olds, Peterson, Reeve and Streight—10.

Those who voted in the negative were: Senators Benz, Coffey, Comstock, Davis, Foster, Fowler, Garrigus, Grubbs, Hefron, Kent, Langdon, Leeper, Menzies, Moore, Ragan, Reiley, Sarnighausen, Shaffer, Shirk, Smith, Tarlton, Taylor, Trusler, Urmstan, Viehe, Weir, Wilson and Wood—28.

The section was rejected.

The bill, as a whole, was then adopted and ordered engrossed.

Leave of absence was obtained until Monday at 2 P. M. for Messrs. Riley and Shaffer.

Mr. Foster moved that Senate Bill No. 277 be declared the special order for Thursday at 10 A. M.

Which was agreed to.

The Senate adjourned.

(Approved.)

ISAAC P. GRAY,
President of the Senate.

SATURDAY MORNING.

FEBRUARY 1, 1879.

The Senate met at 10 o'clock, A. M., Mr. Burrell in the chair.

The session was opened with prayer by the Rev. V. K. Tevis, of the Methodist Episcopal Church.

Leave of absence was asked and obtained for Messrs. Foster, Briscoe, Moore and Coffey until Monday.

The Journal of yesterday was read, corrected and approved.

Mr. Menzies offered the following resolution:

Resolved, That the pay of the pages on duty in the Senate chamber be at the rate of two dollars per day, commencing from the day their duty commenced.

Which was adopted.

Mr. Menzies moved that when the Senate adjourn, it be until Monday at 2 o'clock P. M.

Mr. Kent moved to amend by inserting 10 o'clock A. M.

Mr. Sarnighausen moved to lay the amendment on the table.

Which was agreed to.

Mr. Sarnighausen presented a petition from the members of the bar of Allen county, asking that the criminal court of Allen county be not abolished.

Which was referred to the committee on the organization of courts.

The presiding officer laid before the Senate, from the Superintendent of Public Instruction, a communication in obedience to a

resolution of the Senate asking what reductions could be made in the levies of taxes for school purposes.

Which was referred to the committee on education.

The following message was received from the House by the Clerk thereof:

MR. PRESIDENT :

I am directed by the Speaker of the House to inform the Senate that the House has passed enrolled Senate Joint Resolution No. 4, entitled "Senate Joint Resolution, proposing amendments to sections 4 and 5 of article 4 of the constitution."

I am further directed by the Speaker to inform the Senate that the House has passed enrolled Senate Joint Resolution No. 5, entitled "A Joint Resolution proposing amendment to the fourteenth clause of section 22 of article 4 of the constitution."

I am further directed by the Speaker to inform the Senate that the House has passed enrolled Senate Joint Resolution No. 6, entitled "A Joint Resolution proposing amendment to section 1 of article 7 of the constitution."

I am further directed by the Speaker to inform the Senate that the House refuses to pass enrolled Senate Joint Resolution No. 7, entitled "A joint resolution proposing amendment to section 2 of the 7th article of the constitution of the State of Indiana."

I am further directed by the Speaker to inform the Senate that the House has passed enrolled Senate Joint Resolution No. 9, entitled "A joint resolution proposing amendment to the constitution of the State of Indiana, by striking out all the sections in the 13th article, and in lieu thereof inserting."

I am further directed by the Speaker to inform the Senate that the House refuses to pass enrolled Senate Joint Resolution No. 19, entitled "A joint resolution proposing amendment to section 29 of the 4th article of the constitution of the State of Indiana," and the same are herewith returned to the Senate.

Mr. Menzies renewed his motion that when the Senate adjourn it be until Monday at 2 o'clock P. M.

Mr. Kent moved to amend by inserting 1:45 o'clock P. M.

Which was agreed to.

Mr. Shirk asked and obtained leave of absence for himself until Tuesday morning.

Mr. Wilson presented a petition from citizens of Jefferson county, in reference to fees and salaries.

Which was referred to the committee on fees and salaries.

Mr. Grubbs, from the committee on the judiciary, reported Senate Bill No. 78, entitled "An act to amend section 344 of the Practice act," with the report of the committee recommending its passage.

Which was placed on file without reading.

Mr. Grubbs, from the committee on the judiciary, reported Senate Bill No. 242, entitled "An act requiring county commissioners, school trustees and township trustees to publish a statement of their allowances," with the report of the committee recommending its passage, after certain amendments.

Which was placed on file without reading.

Mr. Grubbs, from the committee on the judiciary, reported Senate Bill No. 257, entitled "An act empowering boards of county commissioners to render judgments for costs," with the report of the committee recommending its passage.

Which was placed on file without reading.

Mr. Grubbs, from the committee on the judiciary, reported Senate Bill No. 12, entitled "An act concerning the trial of civil causes in the circuit and superior courts of the State," with the report of the committee recommending its passage.

Which was placed on file without reading.

Mr. Grubbs, from the committee on the judiciary, reported Senate Bill No. 13, entitled "An act relating to contempt of court, and providing for the punishment therefor," with the report of the committee recommending that it do lie on the table.

Which was placed on file without reading.

Mr. Donham, from the committee on rights and privileges, reported Senate Bill No. 110, entitled "An act declaring agreements to pay attorneys' fees," etc., with the report of the committee recommending the passage of a substitute.

Which was placed on file without reading.

Mr. Woollen, from the committee on finance, reported Senate Bill No. 272, entitled "An act to amend section 12 of an act entitled an act to provide for a uniform assessment of property," etc., with the report of the committee recommending its passage.

Which was placed on file without reading.

Mr. Leeper offered the following resolution :

WHEREAS, The Indiana Hospital for the Insane was, according to the language of the statute, established for "the care of the insane of Indiana;" and

WHEREAS, From reports in the public prints, it appears that certain persons not adjudged insane according to the statute in such cases made and provided, have been harbored as inmates of such institutions for a considerable period of time ; therefore

Resolved, That the committee on benevolent institutions be and are hereby instructed to inquire what legislation, if any, may be necessary for the government of the Hospital for the Insane, to protect such institution from abuse and irregularity of the character above recited, to the end that none but proper subjects shall hereafter be admitted thereto as inmates or harbored therein at the expense of the State; and that such committee report the result of their inquiry to this Senate by bill or otherwise.

Which was adopted.

Mr. Kent introduced Senate Bill No. 315, entitled "An act to authorize the county commissioners of the several counties in this State, to purchase the books and stationery and other articles for the several county offices and for the conduct of public business, defining penalties and prescribing punishment for the violation of this act by said commissioners, and by other persons therein named."

Read the first time and referred to the committee on county and township business.

Mr. Reeve introduced by request, Senate Bill No. 316, entitled "A bill to amend section 7 of an act entitled an act providing for the appointment of notaries public, and defining their powers and duties, approved June 9, 1852, providing penalties for the violation thereof, and repealing all laws inconsistent therewith."

Read the first time and referred to the committee on the judiciary.

Mr. Ragan introduced Senate Bill No. 317, entitled "An act to prohibit railway companies from discriminating in favor of public officials."

Read the first time and referred to the committee on railroads.

Mr. Harris introduced Senate Bill No. 318, entitled "An act defining certain misdemeanors, providing punishment therefor," etc.

Read the first time and referred to the committee on railroads.

Mr. Taylor introduced Senate Bill No. 319, entitled "An act to amend the first section of an act entitled an act providing for the

election and qualification of justices of the peace, and defining their jurisdiction, powers, and duties in civil cases."

Read the first time and referred to the committee on the organization of courts.

Mr. Hefron introduced Senate Bill No. 320, entitled "An act authorizing the election of marshals of cities by the common council thereof, repealing conflicting laws, and declaring an emergency."

Read the first time and referred to the committee on elections.

Mr. Sarnighausen introduced Senate Bill No. 321, entitled "An act to amend section 2 of an act entitled an act in relation to the laying out, opening, widening, altering and vacation of streets, alleys and highways," etc.

Read the first time and referred to the committee on corporations.

Mr. Garrigus by request, introduced Senate Bill No. 322, entitled "An act to legalize a contract made and entered into on the 12th day of March, 1870, by and between the board of county commissioners of White county, Indiana, and William A. Haymond, H. P. Anderson and Lucien Price, school trustees of the town of Monticello, in White county, Indiana, and to legalize the acts of the county auditor and county treasurer of said White county in issuing orders and paying the same under said contract."

Read the first time and referred to the committee on county and township business.

Mr. Streight introduced Senate Bill No. 323, entitled "An act to amend the second section of an act entitled an act to discourage the keeping of useless and sheep killing dogs, and providing penalties for the violation of any of the provisions of said act by officers, and also repealing an act to license dogs, approved March 11, 1861, and providing that nothing in this act shall be so construed as to conflict with the provisions of an act entitled an act for the protection of sheep, approved June 15, 1852, approved March 2, 1865."

Read the first time and referred to the committee on agriculture.

Mr. Fowler introduced Senate Bill No. 324, entitled "An act to amend section 244 of an act entitled an act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases, etc., approved June 18, 1852."

Read the first time and referred to the committee on the judiciary.
The Senate adjourned.

(Approved)

ISAAC P. GRAY,
President of the Senate.

MONDAY AFTERNOON.

FEBRUARY 3, 1879.

The Senate met at 1:45 P. M. Lieutenant-Governor Gray in the chair.

The session was opened with prayer by Rev. Joseph Bradford Cleaver, of the Christian Chapel.

The Journal of Saturday was read and approved.

Mr. Streight moved that bills on second reading be taken up.
Which was agreed to.

Senate Bill No. 3, entitled "An act appropriating one hundred and twenty-five thousand dollars to defray the expenses of the fifty-first session of the General Assembly of the State of Indiana," etc., was taken up.

Which, on motion of Mr. Dice, was indefinitely postponed without reading.

Senate Bill No. 5, entitled "An act to legalize sheriff sales," was taken up and read the second time, with the report of the committee recommending that it be indefinitely postponed.

Mr. Moore moved that the bill and report do lie on the table.
Which was agreed to.

The following message was received from the House by the clerk thereof:

MR. PRESIDENT:

I am directed by the Speaker of the House to inform the Senate that the House has passed the following concurrent resolution, to-wit:

Resolved by the House of Representatives (the Senate concurring therein), That for the present, and until the pay of the officers and employes of this House of Representatives be fixed by law, the said officers and employes be allowed to draw the same pay as was allowed such employes and officers at the last session of the House of Representatives of the State of Indiana.

And the same is herewith transmitted to the Senate.

Senate Bill No. 6, entitled "An act legalizing the acknowledgments of all deeds, mortgages and other instruments required to be recorded, taken and certified by notaries public who took and certified such acknowledgments after their commissions expired."

Taken up and read the second time, with the report of the committee recommending its passage.

The question being on concurring in the report of the committee, the ayes and noes were demanded by Messrs. Burrell and Benz, and being ordered and taken, resulted as follows:

Those who voted in the affirmative were: Senators Dice, Garrigus, Grubbs, Harris, Kent, Leeper, Moore, Reeve, Sarnighausen, Shaffer, Smith, Streight, Tarlton, Taylor, Trusler and Wood—16.

Those who voted in the negative were: Senators Benz, Briscoe, Burrell, Comstock, Donham, Fowler, Hart, Hebron, Langdon, Major, Menzies, Mercer, Peterson, Poindexter, Ragan, Urmstan, Weir and Wilson—18.

The motion to concur in the report of the committee was not agreed to.

Mr. Harris offered the following amendment:

At the end of line six insert: "Or who, being duly commissioned as notaries, but being ineligible to hold such office, exercised the functions thereof in good faith."

Mr. Briscoe demanded the previous question, which was seconded by the Senate.

The amendment was agreed to.

On motion of Mr. Kent the bill was ordered engrossed.

Senate Bill No. 7, entitled "An act to prevent corruptions at elections," etc., was taken up and read the second time, with the report of the committee recommending its indefinite postponement.

Mr. Fowler moved that the bill and report be laid on the table. Which was agreed to.

Senate Bill No. 8, entitled "An act to prevent grave robbing and the disturbance of graves," was taken up and read the second time, with the report of the committee, with the recommendation that it do lie on the table.

Which report was concurred in.

Senate Bill No. 9, entitled "An act to promote the science of medicine and surgery," was taken up and read the second time, with

the report of the committee recommending the passage of the bill after certain amendments.

Mr. Fowler moved to lay the bill and report on the table.

Which was rejected.

The report of the committee was then concurred in.

Mr. Hefron offered the following amendment to section 1:

Strike out the words "shall be held and deemed to be public property and," in line 8 of section 1.

Which was adopted.

Mr. Streight offered the following amendment to section 1:

Provided, That when any person shall express a wish to be buried the dead body of such person shall not be delivered for dissection, but shall be properly buried.

Which was agreed to.

Mr. Comstock offered the following amendment:

Amend section 1 by striking out the words "twenty-four hours" in line 5 of said section, and inserting instead thereof the words "forty-eight hours."

Which was rejected.

Mr. Menzies moved that section 1 as amended be now adopted.

Which was agreed to.

Mr. Dice moved to amend as follows:

Amend Section 2 by striking out of line 7, after the word "college," the words "or medical association."

Which was rejected.

Mr. Briscoe offered the following amendment to section 2:

Amend section 2, lines 10 and 11, by striking out after the word "afraid," "and becoming as aforesaid public property."

Which was adopted.

Mr. Urmstan offered the following amendment to section 2:

Amend section 2 by inserting after the word "college," in line 8, "or medical association."

Messrs. Dice and Burrell demanded the ayes and noes, which being ordered and taken, resulted as follows:

Those who voted in the affirmative were: Senators Briscoe, Burrell, Cadwallader, Comstock, Donham, Fowler, Garrigus, Grubbs, Harris, Hart, Hefron, Kent, Leeper, Menzies, Mercer, Moore, Peterson, Poindexter, Ragan, Reeve, Sarnighausen, Shaffer, Smith, Streight, Tarlton, Taylor, Trusler, Urmstan and Wilson—28.

Those who voted in the negative were: Senators Dice, Major, Weir and Wood—4.

The amendment was agreed to

Mr. Leeper demanded a call of the Senate.

Which being ordered and taken, the following Senators answered to their names:

Briscoe, Burrell, Cadwallader, Comstock, Dice, Donham, Fowler, Garrigus, Grubbs, Harris, Hart, Hefron, Kent, Leeper, Major, Menzies, Mercer, Moore, Peterson, Poindexter, Ragan, Reeve, Sarnighausen, Shaffer, Smith, Streight, Tarlton, Taylor, Trusler, Urmstan, Weir, Wilson and Wood—33.

Mr. Harris moved that further proceedings under the call be dispensed with.

The Senate adjourned.

(Approved.)

ISAAC P. GRAY,
President of the Senate.

TUESDAY MORNING.

FEBRUARY 4, 1879.

Senate met at 10 o'clock A. M. Lieutenant-Governor Gray in the chair.

The session was opened with prayer by the Rev. Joseph Bradford Cleaver, of the Christian Church.

Mr. Reeve moved that the reading of the Journal of yesterday be dispensed with.

Which was agreed to.

Mr. Reeve, from the committee on the judiciary, reported Senate Bill No. 256, entitled "An act to amend section 6 of the practice act," with the report of the committee recommending its indefinite postponement.

Which was placed on file without reading.

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Mr. Reeve, from the committee on the judiciary, reported Senate Bill No. 282, entitled "An act to repeal sections 1, 2 and 3 of the assessment law," etc., and recommend that it be indefinitely postponed.

Which was placed on file without reading.

Mr. Reeve, from the committee on the judiciary, reported Senate Bill No. 184, entitled "An act to prevent the practice of resorting to distant courts to oppress the citizens of Indiana, and deprive them of their rights under the statutes of Indiana," with the report of the committee recommending its passage.

Which was placed on file without reading.

Mr. Reeve, from the committee on the judiciary, reported Senate Bill No. 82, entitled "An act to amend section 17 of the fee and salary act," and recommend that it be referred to the committee on fees and salaries.

Which was placed on file without reading.

Mr. Reeve, from the committee on the judiciary, reported Senate Bill No. 241, entitled "An act to repeal section 5 of an act providing for the more speedy trial of causes and to facilitate business in the courts," with the report of the committee recommending its passage.

Which was placed on file without reading.

Mr. Reeve, from the committee on the judiciary, reported Senate Bill No. 271, entitled "An act to enlarge the jurisdiction of mayors and justices of the peace in criminal cases," with the report of the committee recommending its passage.

Which was placed on file without reading.

Mr. Reeve, from the committee on the judiciary, reported Senate Bill No. 206, entitled an act to repeal section 6 and to amend section 16 of an act concerning promissory notes," with the report of the committee recommending that it do lie upon the table.

Which was placed on file without reading.

Mr. Reeve, from the committee on the judiciary, reported a petition from the citizens of Hendricks county, praying for the passage of Senate bill No. 274, entitled "An act for the relief of Thomas A. Jones, with the report of the committee recommending that it do lie on the table.

Which was placed on file without reading.

Mr. Reeve, from the committee on the judiciary, reported a com-

munication from His Excellency, the Governor, in reference to courts imposing excessive punishments, with the report of the committee, recommending that no action be taken in regard to the matters mentioned therein.

Which was placed on file without reading.

Mr. Reeve, from the committee on the judiciary, reported a petition from the citizens of Newton county concerning "the rate of interest on money," with the report of the committee, recommending that it lie upon the table.

Which was placed on file without reading.

Mr. Reeve, from the committee on the judiciary, reported Senate Resolution directing the judiciary committee to inquire into the possibility or feasibility of preventing crime, by legislation tending to prevent the production of human beings diseased physically and mentally, and to report by bill or otherwise, after giving, at considerable length, the reasons favorable to such legislation, reported Senate Bill No. 337, entitled "A bill for an act prohibiting the marriage between certain persons therein named, and prohibiting the issue of license to, or the performance of marriage ceremony for the marriage of such persons, defining certain offenses, and affixing penalties."

Read the first time.

The following message was received from the House by the Clerk thereof:

MR. PRESIDENT:

I am directed by the Speaker of the House to inform the Senate that the House has passed the following concurrent resolution No. 3, to-wit: "A resolution to take a concurrent vote for the election of the directors, commissioners, superintendents, etc., of the prisons, and various benevolent and reformatory institutions on the 6th day of February, 1879," etc.

And the same is herewith transmitted to the Senate.

Mr. Kent, from the committee on the judiciary, reported Senate Bill No. 1, "An act providing for the assessment and appraisal of property, and the collection of taxes," etc., and recommend that it lie on the table.

Which was placed on file without reading.

Mr. Kent, from the committee on the judiciary, reported Senate Bill No. 170, entitled "An act to amend sections 19 and 20 of an

act regulating descents," with the report of the committee recommending its indefinite postponement.

Which was placed on file without reading.

Mr. Kent, from the committee on the judiciary, reported as follows:

MR. PRESIDENT:

The committee on the judiciary, to whom was referred Senate Bill No. 63, entitled "An act supplemental to the act for the exemption of property," etc., have had the same under consideration, and I am directed to report the following amendments:

Amend by striking out the title and insert the following: "A bill for an act preventing garnishee of railroad companies and other parties in cases named."

Amend further by striking out all after the enacting clause and inserting the following substitute, and when so amended recommend the passage of the bill.

Which was placed on file without reading.

Mr. Viehe, from the committee on the judiciary, reported Senate Bill No. 224, entitled "An act giving notice to non-residents by publication," etc., and recommend that it be indefinitely postponed.

Which was placed on file without reading.

Mr. Burrell, from the committee on the judiciary, reported Senate Bill No. 279, entitled "An act legalizing certain acknowledgements made by notaries public," with the report of the committee recommending that it do lie upon the table.

Which were placed on file without reading.

Mr. Burrell, from the committee on the judiciary, reported Senate Bill No. 287, entitled "An act to amend section 1 of an act authorizing the appointment of special administrators," with the report of the committee recommending its indefinite postponement.

Which was placed on file without reading.

Mr. Harris, from the committee on the judiciary, reported Senate Bill No. 286, entitled "An act regulating the manner of expressing the will of the people as to the levy of special assessments of taxes," etc., and recommended the passage of the bill.

Which was placed on file without reading.

Mr. Comstock, from the committee on the judiciary, reported Senate Bill No. 273, entitled "An act supplemental to an act defining

felonies and prescribing punishment therefor," etc., with the report of the committee recommending its passage.

Was placed on file without reading.

Mr. Peterson, from the committee on roads, reported Senate Bill No. 285, entitled "An act to declare one-half of all fines imposed in any county of this State for violations of the criminal laws for the use and work of the public highways," with the report of the committee recommending its indefinite postponement.

Which was placed on file without reading.

Leave of absence was asked and obtained for the committee on benevolent institutions until to-morrow.

Mr. Reeve offered the following resolution :

Resolved, That the Secretary of State report to the Senate forthwith the name of each person elected or appointed as a director of the Southern Prison since the passage of the act, approved February 5, 1857, (1 R. S. 645), and for what term he was elected or appointed, with date of such appointment or election ; also

Resolved, That the name of each person elected or appointed as a director of the Northern Prison, for what term he was elected or appointed, with the date of each election or appointment ; also

Resolved, That the name of each person elected or appointed as a trustee of the Deaf and Dumb Asylum, the Blind Asylum, and the commissioners of the Insane Hospital, since the passage of the act concerning the government of said institution, approved March 5, 1859, (1 R. S. 159), and for what terms such persons were elected or appointed, with the date of such election or appointment ; also

Resolved, That the names of the several persons elected or appointed president of the boards of said benevolent institutions since the passage of the act, approved March 5, 1859, concerning said institutions, for what term said persons were elected or appointed, with the dates of such elections or appointments.

Which resolutions were adopted.

Mr. Heilman introduced Senate Bill No. 325, entitled "An act to amend section 30 of an act entitled an act granting the citizens of the town of Evansville, in the county of Vanderburgh a city charter, approved January 27, 1847."

Read the first time and referred to the committee on the judiciary.

Mr. Major introduced Senate Bill No. 326, entitled "An act to divide the State of Indiana into congressional districts."

Read the first time and referred to the committee on congressional apportionment.

Mr. Reeve introduced Senate Bill No. 327, entitled "An act providing for remonstrance of the people against granting license to vend intoxicating liquors as a beverage, to be drank on the premises where sold, and prohibiting issue of license and sale in cases therein specified."

Read the first time and referred to the committee on temperance.

Mr. Streight introduced Senate Bill No. 328, entitled "An act to repeal an act entitled 'an act limiting the eligibility to the office of township trustee, approved March 12, 1877,' and legalizing the acts of township trustees elected in violation thereof."

Read the first time and referred to the committee on elections.

Mr. Dice, by request, introduced Senate Bill No. 329, entitled "An act requiring county recorders to record powers of attorney in a record prepared for that purpose, and to make reference from all instruments affected by such powers of attorney to the record of the same."

Read the first time and referred to the committee on the judiciary.

Mr. Hefron introduced Senate Bill No. 330, entitled "An act to prevent fraud, bribery and corruption in elections, and prescribing punishment for its violation."

Read the first time and referred to the committee on elections.

Mr. Tarlton introduced Senate Bill No. 331, entitled "An act to amend section 1 of an act entitled an act authorizing school trustees of a city or incorporated town to pay over to such city or town surplus school revenue, etc., approved March 3, 1877."

Read the first time and referred to the committee on education.

Mr. Donham introduced Senate Bill No. 332, entitled "An act in relation to State and other roads, and other matters connected therewith, repealing conflicting laws and declaring an emergency."

Read the first time and referred to the committee on roads.

Mr. Donham introduced Senate Bill No. 333, entitled "An act in relation to the muzzling of dogs, prescribing penalties for its violation, and declaring an emergency."

Read the first time and referred to the committee on rights and privileges.

Mr. Sarnighausen introduced Senate Bill No. 344, entitled "An

act to amend section 6 of an act entitled an act to provide for a general system of common schools," etc., approved March 8, 1873.

Read the first time and referred to the committee on education.

Mr. Sarnighausen introduced Senate Bill No. 335, entitled "An act authorizing justices of the peace in certain cases to resume and take possession of their former dockets and papers, and to repeal all laws inconsistent therewith."

Read the first time and referred to the committee on the judiciary.

Mr. Moore introduced Senate Bill No. 336, entitled "An act to limit the time of bringing actions to recover real estate or set aside conveyances purporting to be made by married women of unsound mind, in certain cases."

Read the first time and referred to the committee on the judiciary.

Mr. Leeper, by request, introduced Senate Bill No. 338, entitled "An act providing for the protection of wild game," etc.

Read the first time and referred to the committee on the rights and privileges of the State.

Mr. Hart introduced Senate Bill No. 339, entitled "An act to authorize the county commissioners to contract for the public printing of the county, and the books, blanks, stationery, furniture and other articles necessary for the township and county offices in the conduct of public business, by receiving bids for the same by responsible parties, and prescribing penalties for a violation of this act, and repealing certain statutes now in force, and other conflicting sections and acts."

Read the first time and referred to the committee on county and township business.

Mr. Sarnighausen introduced Senate Bill No. 340, entitled "An act to repeal an act entitled an act authorizing the appointment of students to Purdue University by the board of commissioners of each county, and to provide for the admittance of such scholars and defining their privileges therein, approved March 12, 1877, and declaring an emergency."

Which was referred to the committee on education.

Mr. Treat introduced Senate Bill No. 341, entitled "An act defining what counties shall constitute the tenth judicial circuit, and prescribing the times of holding court in said circuit, and repealing all laws and parts of laws in conflict with this act and declaring an emergency."

Read the first time and referred to the committee on the organization of courts.

Mr. Burrell introduced Senate Bill No. 342, entitled "An act to amend section 3 of an act entitled an act prescribing the powers and duties of justices of the peace in state prosecutions, approved May 29, 1852."

Read the first time and referred to the committee on the judiciary.

Mr. Burrell introduced Senate Bill No. 343, entitled "An act providing for the appointment of a public administrator in each county in this State, prescribing his duties and fixing his compensation."

Read the first time and referred to the committee on the judiciary.

Mr. Menzies, by request, introduced Senate Bill No. 344, entitled "An act to provide for the transfer from justices of the peace to the circuit courts or superior courts of certain cases therein named."

Read the first time and referred to the committee on the judiciary.

Mr. Wood introduced Senate Bill No. 345, entitled "An act to authorize the payment of money due Mrs. Caroline Hohman, widow and executrix of the estate of Ernest Hohman, deceased, and to authorize payment to J. Zackard, on account of claims held against the State for ditching swamp lands in Lake county, Indiana."

Read the first time and referred to the committee on claims.

Mr. Viehe introduced Senate Bill No. 346, entitled "An act to repeal an act entitled an act to authorize and provide for changes of venue in civil actions in certain cases, approved March 8, 1867."

Read the first time and referred to the committee on the judiciary.

Mr. Heilman by request, introduced Senate Bill No. 347, entitled "An act to amend the charter of the city of Evansville, and to enable said city to change its corporate name to the city of Lamasco, and declaring an emergency."

Read the first time and referred to the committee on corporations.

Mr. Reeve introduced Senate Bill No. 348, entitled "An act providing for minority representation by means of the free ballot or cumulative voting by electors at all elections held pursuant to law."

Read the first time and referred to the committee on the judiciary.

Mr. Briscoe introduced Senate Bill No. 349, entitled "An act declaring the rights of laborers and employes in collection of their wages, providing that judgments for wages shall be liens on the property of the employers, and other matters properly connected therewith."

Read the first time and referred to the committee on the judiciary.

Mr. Dice introduced Senate Bill No. 350, entitled "An act making the township trustee of each civil township superintendent of roads and highways in his township," etc.

Read the first time and referred to the committee on roads.

Mr. Trusler, by request, introduced Senate Bill No. 351, entitled "An act to regulate the practice of dentistry in the State of Indiana."

Read the first time and referred to the committee on the judiciary.

Mr. Davenport, by request, introduced Senate Bill No. 352, entitled "An act to discourage the keeping, owning, and harboring of unlicensed dogs," etc.

Read the first time and referred to the committee on rights and privileges.

Mr. Langdon introduced Senate Bill No. 353, entitled "An act supplemental to an act concerning trusts and powers, approved June 17, 1852."

Read the first time and referred to the committee on corporations.

Mr. Hefron introduced Senate Bill No. 354, entitled "An act to divide the State of Indiana into congressional districts."

Read the first time and referred to the committee on congressional apportionment.

The following message was received from the House by the clerk thereof:

MR. PRESIDENT:

I am directed by the Speaker of the House to inform the Senate that the House has passed the following joint resolution, to-wit:

House Joint Resolution No. 15, entitled "Joint resolution instructing our Senators and requesting our Representatives in Congress to use their influence and votes to secure the unconditional repeal of the specie resumption act, and the act exempting bonds and greenbacks from taxation," etc.

Mr. Wilson introduced Senate Bill No. 355, entitled "An act abolishing the office of State Geologist, and repealing the act creating said office, and providing for the transfer to Purdue University of the geological cabinet."

Read the first time, and referred to the committee on the judiciary.

And the Senate adjourned.

AFTERNOON SESSION.

FEBRUARY 4, 1879.

The Senate reassembled at 2 o'clock P. M., Lieutenant-Governor Gray in the chair.

Mr. Kramer introduced Senate Bill No. 356, entitled "An act relating to prosecutions by affidavits and information, repealing all laws in conflict therewith, and declaring an emergency."

Read the first time, and referred to the committee on the judiciary.

Mr. Moore moved that Senate Bill No. 133 be taken from the table and referred to the committee on roads.

Which was agreed to.

Mr. Reeve from the committee on the judiciary, reported Senate Bill No. 65, entitled "An act defining libel, and to prevent the publication thereof," with the report of the committee suggesting certain amendments, and, when so amended, recommending its passage.

Which was placed on file without reading.

Mr. Hebron introduced Senate Bill No. 357, entitled "An act to repeal an act entitled an act concerning interest on money, and to provide for recoupment of usurious interest, approved March 9, 1867; and also to repeal an act entitled an act regulating interest on judgments, approved February 5, 1873."

Read the first time and referred to the committee on finance.

Mr. Garrigus, by request, introduced Senate Bill No. 358, entitled "An act authorizing incorporated cities of six thousand inhabitants or less, and owing thirty thousand dollars or more, to have a city comptroller appointed, defining the duties of the circuit court in connection therewith; also defining the duties and powers of such comptroller," etc.

Read the first time and referred to the committee on corporations.

Mr. Briscoe introduced Senate Bill No. 359, entitled "An act to repeal section 1 of an act entitled an act to provide record books for justices of the peace, approved March 14, 1877."

Read the first time and referred to the committee on the judiciary.

Mr. Foster, by request, introduced Senate Bill No. 360, entitled: "An act to provide offices for justices of the peace."

Read the first time and referred to the committee on the judiciary.

Mr. Trusler moved that Senate Bill No. 38 be taken from the table and referred to the committee on roads.

Which was agreed to.

Mr. Winterbotham moved that Senate Bills Nos. 144 and 166 be recommitted to the committee on finance.

Which was agreed to.

Mr. Wood introduced Senate Bill No. 361, entitled "A bill to repeal an act entitled an act to provide for giving notice of pending suits, attachments, levies and liens affecting real estate in certain cases, approved March 14, 1877."

Read the first time and referred to the committee on the judiciary.

Mr. Taylor, by request, introduced Senate Bill No. 362, entitled "An act to amend the first section of an act approved March 3, 1877, entitled an act to amend an act approved February 24, 1869, entitled an act to amend sections 1 and 3 of an act entitled an act to provide for the relocation of county seats, and for the erection of public buildings in case of such relocation, approved March 2, 1855, and to amend section 1 of an act amendatory of said act, approved December 18, 1865, and to provide for the appointment of commissioners, and declaring an emergency."

Read the first time and referred to the committee on county and township business.

Mr. Sarnighausen moved that the Senate resume the consideration of the Senate bill No. 9, entitled "An act to promote science of medicine and surgery," etc.

Which was agreed to.

The question being on the adoption of the amendment offered to section 2, which was pending at the adjournment yesterday.

The ayes and noes were demanded by Messrs. Dice and Olds, and being ordered and taken resulted as follows:

Those who voted in the affirmative were: Senators Burrell, Coffey, Comstock, Foster, Garrigus, Grubbs, Harris, Hefron, Heilman, Kramer, Langdon, Leeper, Menzies, Mercer, Moore, Peterson, Poindexter, Ragan, Reeve, Sarnighausen, Shaffer, Smith, Treat, Urmstan, Wilson, Winterbotham and Woollen—27.

Those who voted in the negative were: Senators Benz, Briscoe, Cadwallader, Davenport, Davis, Dice, Donham, Hart, Major, Olds, Taylor, Trusler, Weir and Wood—14.

The amendment was adopted.

Mr. Urmstan offered the following amendment to section 2:

Amend section 2 by inserting after the word "college," in line 14, the words "or incorporated medical association."

Which was adopted.

Section 8 as amended was then adopted.

Mr. Grubbs offered the following amendment:

Amend section 2 by adding the following: "*Provided, That* should the remains of any person so delivered or received be subsequently claimed by any relative or friend, they shall be given up to such relative or friend for interment."

Mr. Menzies moved that the amendment be amended by inserting after the word "friend," in line —, the words "within twenty-four hours."

Which was agreed to, and the amendment as amended was then adopted.

Mr. Urmstan moved to amend by inserting in line 7 in section —, after the word "or" the word "incorporated."

Which was agreed to.

Mr. Shaffer then moved to adopt section 2 as amended.

Which was agreed to.

Mr. Dice offered the following amendment:

Amend section 3 by inserting in line 11, after the word "college," "or incorporated medical college."

Which was adopted.

Mr. Hefron offered the following amendment to section 4:

Amend section 4, line 2, by striking out the words "shall be deemed to be public property."

Which was adopted.

Mr. Taylor offered the following amendment:

Add to section 4 as follows: "*And provided further, That* the bodies of all physicians and surgeons who shall die within this State shall become the lawful property of the State, and be devoted after death, as while living, to benefit the public, by being delivered

over to such medical college, or association, for dissection or other scientific purposes in medicine and surgery."

Mr. Urmstan offered the following amendment:

Amend the amendment by adding the words: "unless the same is claimed by friends within twenty-four hours."

Which was rejected.

The question recurring on the adoption of the amendment offered by Mr. Taylor, the ayes and noes were demanded by Messrs. Taylor and Dice.

Which being ordered and taken, resulted as follows:

Those who voted in the affirmative were: Senators Davis, Dice, Donham, Taylor, Treat, Trusler, Viehe, Wilson and Wood—9.

Those who voted in the negative were: Senators Benz, Briscoe, Burrell, Coffey, Comstock, Davenport, Garrigus, Grubbs, Harris, Hebron, Heilman, Kramer, Langdon, Leeper, Menzies, Mercer, Moore, Olds, Peterson, Poindexter, Reeve, Sarnighausen, Shaffer, Smith, Urmstan, Weir, Winterbotham and Woollen—28.

The amendment was rejected.

Mr. Urmstan offered the following amendment to section 4:

Amend section 4 by striking out the words "and reputable," after the word "organized," in line 5.

Which was adopted.

Mr. Menzies offered the following amendment to section 4:

Amend section 4 by striking out, in line 9, all of the section after the word "claimant."

Which was adopted.

Mr. Sarnighausen then moved to adopt section 4, as amended.

Which was agreed to.

Mr. Sarnighausen moved to strike out in line 12, section 5, the words "and reputable."

Which was agreed to.

Mr. Sarnighausen then moved to adopt section 5 as amended.

Which was agreed to.

Mr. Urmston moved to insert in line 2, section 6, the words "or incorporated medical association."

Mr. Sarnighausen then moved to adopt section 6.

Which was agreed to.

Mr. Grubbs offered the following amendment to section 7:

Amend section 7 by adding after the words "deliver over," in line 2, the words, "or any person who shall knowingly receive."

Which was adopted.

Mr. Viehe offered the following amendment:

Amend section 7 by inserting "in the State's prison," after the word "imprisoned," in line 5.

Which was adopted.

Mr. Sarnighausen moved that section 7 be adopted.

Which was agreed to.

Mr. Comstock offered the following amendment to section 8:

Amend section 8 by striking out the words "before or" in the fifth line, and the words "after death" in the sixth line of said section.

Which was adopted.

Mr. Langdon offered the following amendment to section 8:

Amend section 8, line three, by inserting the word "incorporated" before "medical association."

Which was adopted.

Mr. Urmstan offered the following amendment to section 8:

Amend section 8 by striking out the word "reputable," after the word "any," in line two.

Which was rejected.

On motion of Mr. Sarnighausen, section 8, as amended, was then adopted.

Mr. Viehe offered the following amendment to section 9: Amend section 9 by adding thereto the following: "Or any relative within the sixth degree of consanguinity."

Which was adopted.

Mr. Sarnighausen moved that section 9 be adopted.

Which was agreed to.

The question being on the adoption of the bill as a whole, as amended, the ayes and noes were demanded by Messrs. Burrell and Wood, and being ordered and taken resulted as follows:

Those who voted in the affirmative were: Senators Burrell, Comstock, Davenport, Foster, Garrigus, Grubbs, Harris, Hefron, Heilman, Kramer, Langdon, Leeper, Menzies, Mercer, Moore,

Peterson, Poindexter, Ragan, Reeve, Sarnighausen, Shaffer, Smith, Taylor, Urmstan, Wilson, Winterbotham and Woollen—27.

Those who voted in the negative were: Senators Benz, Briscoe, Davis, Dice, Donham, Hart, Olds, Tarlton, Treat, Trusler, Viehe, Weir and Wood—13.

The bill was adopted.

Mr. Sarnighausen moved that the bill be ordered engrossed.

Which was agreed to.

Mr. Sarnighausen then moved to take up Senate Bill No. 136.

Which was agreed to.

On motion of Mr. Foster the Senate adjourned.

(Approved.)

ISAAC P. GRAY,

President of the Senate.

WEDNESDAY MORNING.

FEBRUARY 5, 1879.

The Senate met at 10 o'clock, Lieutenant-Governor Gray in the chair.

The session was opened with prayer by the Rev. W. B. F. Treat, Senator from the counties of Monroe and Lawrence.

The Journal of yesterday was being read when, on motion of Mr. Winterbotham, the further reading of the Journal was dispensed with.

Mr. Menzies moved to take up the concurrent resolution of the House in reference to the election of State Librarian and Prison Directors.

Which was agreed to.

The House resolution was read.

Mr. Menzies moved to amend by inserting 2½ o'clock P. M. instead of 10 o'clock.

Which was agreed to.

The resolution as amended was then adopted.

Mr. Langdon offered the following resolution:

Resolved by the Senate (the House of Representatives concurring therein), That all printing, ink, paper and stationery of every character to be used by the officers and employes of this session of the General Assembly shall be ordered through the State Printing Board, and for all bills allowed by said board the Auditor of State is authorized and directed to issue his warrant upon the state treasury and charge the same against the appropriation authorized in House Bill No. 1 of the present session.

Mr. Reeve arose to a question of privilege, and showed that about the tenth day of this session he introduced a bill for an act prohibiting the disclosure of questions and tables prepared for the examination of teachers of common schools, prior to the time of examination, defining offenses connected therewith and affixing penalties, which was read the first time and referred to the committee on education; that the same has been lost and no entry has been made on any of the minutes or Journal in relation thereto; and he moved for leave to present an exact copy as a substitute; that it be filed as on the tenth day of the session, be designated by a half number in its proper place on the calendar, not breaking the consecutive numbers of record; that it be indorsed, filed, registered and sent to the committee on education in place of the lost bill and have the same standing as if it had not been lost.

Which was adopted, and it was so ordered by the Senate.

Mr. Burrell moved to take up the following concurrent resolution of the House:

Resolved by the House of Representatives (the Senate concurring therein), That for the present, and until the pay of the officers and employes of the House of Representatives be fixed by law, the said officers and employes be allowed to draw the same pay as was allowed such employes and officers at the last session of the House of Representatives of the State of Indiana.

Which was agreed to, and the resolution was adopted.

Mr. Burrell offered the following concurrent resolution:

Resolved by the Senate (the House of Representatives concurring therein), That for the present, and until the pay of the officers and employes of the Senate be fixed by law, the said officers and employes be allowed to draw the same pay as was allowed them at the last session of the General Assembly.

Which was adopted.

The Lieutenant-Governor laid before the Senate a memorial and resolutions from Mr. Francis M. Mahan, a citizen of the State of Missouri, in reference to the removal of obstructions to navigation in the Mississippi and Missouri rivers and tributaries.

Which was read and referred to the committee on federal relations.

The following message was received from the House, by the Clerk thereof:

MR. PRESIDENT:

I am directed by the Speaker of the House to inform the Senate that the House has concurred in the amendment of the Senate to the concurrent resolution of the House to elect a State Librarian and Prison Directors on this day at 2:30 P. M., and the House will be ready to receive the Senate at that hour.

Mr. Streight moved to take up Joint Resolution No. 2.

Which was agreed to.

Senate Joint Resolution No. 2 was then taken up and read with the report of the committee that it be indefinitely postponed.

Mr. Reeve made an ineffectual demand for the previous question.

The question recurring on concurring in the report of the committee, that the resolution be indefinitely postponed, the ayes and noes were demanded by Messrs. Streight and Langdon.

Which being ordered and taken, resulted as follows:

Those who voted in the affirmative were: Senators Burrell, Comstock, Foster, Garrigus, Grubbs, Harris, Heilman, Kent, Menzies, Moore, Reeve, Sarnighausen, Shaffer, Treat and Viehe—15.

Those who voted in the negative were: Senators Benz, Biscoe, Cadwallader, Coffey, Davenport, Davis, Dice, Donham, Fowler, Hart, Hefron, Kramer, Langdon, Leeper, Major, Mercer, Peterson, Poindexter, Ragan, Reiley, Shirk, Smith, Streight, Tarlton, Taylor, Traylor, Trusler, Urmstan, Weir, Wilson, Winterbotham and Wood—32.

The report of the committee was not concurred in.

Mr. Streight moved the adoption of the resolution.

Mr. Harris moved to amend as follows: By inserting after the word "monopolies," in line twelve, the following: "And, whereas, it is wrong for any railroad to carry freight or passengers from Indiana to the eastern seaboard for less than the cost of carriage, with

a reasonable per cent. of profit added, computed on the amount of capital invested and necessary to the construction and operation of the railroad."

Mr. Burrell moved to lay the amendment on the table.

The ayes and noes were demanded by Messrs. Hefron and Langdon.

On motion of Mr. Kent, the Senate adjourned.

AFTERNOON SESSION.

FEBRUARY 5, 1879.

The Senate reassembled at 2 o'clock, Lieutenant-Governor Gray in the chair.

Mr. Burrell withdrew his motion.

Mr. Viehe then moved to lay the amendment on the table.

Messrs. Hefron and Reeve demanded the ayes and noes, which being ordered and taken resulted as follows:

Those who voted in the affirmative were: Senators Comstock, Foster, Garrigus, Grubbs, Harris, Heilman, Kent, Olds, Reeve, Shaffer, Treat, Viehe and Woollen—13.

Those who voted in the negative were: Senators Benz, Briscoe, Burrell, Cadwallader, Coffey, Davenport, Davis, Dice, Donham, Fowler, Hart, Hefron, Kramer, Langdon, Leeper, Major, Mercer, Moore, Peterson, Poindexter, Ragan, Reiley, Shirk, Smith, Streight, Tarlton, Taylor, Traylor, Trusler, Urmstan, Weir, Wilson, Winterbotham and Wood—34.

The motion did not prevail.

Mr. Hefron moved to reject the amendment.

Mr. Streight demanded the previous question.

The ayes and noes were demanded by Messrs. Reeve and Streight. Which being ordered and taken, resulted as follows:

Those who voted in the affirmative were: Senators Benz, Briscoe, Burrell, Cadwallader, Coffey, Comstock, Davenport, Davis, Dice, Donham, Fowler, Grubbs, Hart, Hefron, Heilman, Kent,

Kramer, Langdon, Leeper, Major, Mercer, Moore, Olds, Peterson, Poindexter, Ragan, Reeve, Sarnighausen, Shaffer, Shirk, Smith, Streight, Tarlton, Taylor, Traylor, Trusler, Urmstan, Weir, Wilson, Winterbotham and Woollen—41.

Those who voted in the negative were: Senators Foster, Garrigus, Harris, Menzies, Reiley, Treat, Viehe and Wood—8.

The demand for the previous question was seconded by the Senate.

The question being, shall the main question be now put?

Messrs. Reeve and Foster demanded the ayes and noes.

Which being ordered and taken, resulted as follows:

Those who voted in the affirmative were: Senators Benz, Briscoe, Burrell, Cadwallader, Coffey, Comstock, Davenport, Davis, Dice, Donham, Fowler, Hart, Hebron, Kent, Kramer, Langdon, Leeper, Major, Mercer, Moore, Olds, Peterson, Poindexter, Ragan, Reiley, Sarnighausen, Shaffer, Shirk, Smith, Streight, Tarlton, Taylor, Traylor, Trusler, Urmstan, Viehe, Weir, Wilson, Winterbotham, Wood and Woollen—41.

Those who voted in the negative were: Senators Foster, Garrigus, Grubbs, Harris, Heilman, Menzies, Reeve and Treat—8.

The main question was ordered.

The question being on the motion to reject the amendment offered by Mr. Harris.

The ayes and noes were demanded by Messrs. Reeve and Foster.

Pending the call of the roll a committee of the House announced the House ready to receive the Senate in joint convention for the election of a State Librarian and prison directors, and the Senate repaired to the hall of the House in joint convention.

The Lieutenant-Governor in the chair directed a call of the Senate by the Secretary of the Senate, which discovered fifty Senators present.

The Lieutenant-Governor directed the Clerk of the House to call the roll of the House of Representatives, and ninety-three Representatives answered to their names.

Mr. Overmyer offered the following resolution:

Resolved, That the joint convention will proceed with the election in the following order: First. State Librarian. Second. Directors of Southern Prison. Third. Directors of Northern Prison.

Which was adopted.

Nominations for State Librarian being in order, Mr. Overmyer nominated Mr. R. A. Connor, of Marion.

Mr. Lehman placed in nomination Miss Maggie Fitzgibbon, of Johnson county.

Mr. Major placed in nomination Henry C. Sailors, of Marion county.

There being no further nominations, the chair directed a call of the roll of the Senate.

Those who voted for Miss Fitzgibbon were: Senators Benz, Briscoe, Burrell, Coffey, Davis, Donham, Foster, Fowler, Hart, Hefron, Kent, Kramer, Leeper, Major, Menzies, Peterson, Reeve, Reiley, Sarnighausen, Tarlton, Traylor, Urmstan, Viehe, Winterbotham, Wood and Woollen—26.

Those who voted for Mr. Conner were: Senators Cadwallader, Comstock, Davenport, Dice, Garrigus, Grubbs, Harris, Heilman, Kahlo, Langdon, Mercer, Moore, Olds, Ragan, Shaffer, Shirk, Smith, Streight, Taylor, Treat, Trusler, Weir and Wilson—23.

Senator Poindexter voted for Mr. Sailors.

The Lieutenant-Governor said: the whole number of Senators voting is 50. Miss Fitzgibbon received 26 votes, Mr. Conner received 23 votes, and Mr. Sailors 1 vote.

The Clerk of the House will call the roll of Representatives, and Representatives, as their names are called, will name the person they vote for.

Those who voted for Maggie Fitzgibbon, on the part of the House, were: Messrs. Alden, Allen, Baker, Barker, Blockley, Briggs, Brown, Bryant, Caldwell, Carter, Compton, Confer, Cunningham, Dailey, Dalton, Davidson, Davis, Drake, Drover, Edwins, English, Faulkner, Flodder, Galbraith, Garrouette, Ginz, Handy, Hart, Hosmer, Humphreys, Huthsteiner, Kester, Kirkpatrick, Lehman, Miers, Mitchell, Nave, Osborn of Elkhart, Perry, Reichelderfer, Rooker, Saint, Scholl, Schweitzer, Shauck, Shields, Stucker, Taylor of Daviess, Taylor of Warrick, Thompson, Tulley, Vanpelt, VanValzah, Willard, Wimmer, Works and Mr. Speaker—58.

Those who voted for Richard A. Conner, on the part of the House, were: Messrs. Arnold of Grant, Arnold of Wabash, Brown of Steuben, Carey, Connaway, Connor, Copeland, Donnell, Fancher, Golden, Herod, Hess, Hopkins, Kelly, Kirkpatrick, Lindley, March, Messick, Overmyer, Owen, Reed, Robeson, Rob-

inson, Rodman, Shanks, Skinner, Snoddy, Stevens, Taylor of Lagrange, Thayer, Thornburg, Vawter and Watson—33.

Those who voted for Mr. Sailor, on the part of the House, were: Messrs. Major and Osborn of Vermillion—2.

The Lieutenant-Governor said: The whole number of Representatives voting is 93; of which, Miss Fitzgibbon received 58 votes, Mr. Connor 33 votes, and Mr. Sailors 2 votes. After the votes of the two Houses are added together, the whole number of votes cast is 143; necessary to a choice, 72, of which Miss Fitzgibbon received 84 votes, Mr. Connor 56 votes, and Mr. Sailors 3 votes. Miss Maggie Fitzgibbon having received a majority of all the votes cast, I declare her elected State Librarian for the term prescribed by law.

Nominations for Director of the State Prison South being in order—

Mr. Comstock placed in nomination Mr. Charles T. Coffin, of Wayne.

Mr. Reiley placed in nomination Col. Thomas Shea, of Scott county.

Mr. Osborn of Vermillion placed in nomination Allen W. Monroe, of Floyd county.

Those who voted for Mr. Coffin were: Senators Cadwallader, Comstock, Davenport, Dice, Garrigus, Grubbs, Harris, Heilman, Kahlo, Langdon, Mercer, Moore, Olds, Ragan, Shaffer, Shirk, Smith, Straight, Taylor, Treat, Trusler, Weir and Wilson—23.

Those who voted for Mr. Shea were: Senators Benz, Briscoe, Burrell, Coffey, Davis, Donham, Foster, Fowler, Hart, Hefron, Kent, Kramer, Leeper, Major, Menzies, Peterson, Reeve, Reiley, Sarnighausen, Tarlton, Traylor, Urmstan, Viehe, Winterbotham, Wood and Woollen—26.

Mr. Poindexter voted for Mr. Monroe.

Those who voted for Mr. Shea, on part of the House, were: Messrs. Alden, Allen, Baker, Barker, Blockley, Briggs, Brown of Jasper, Bryant, Caldwell, Carter, Compton, Confer, Cunningham, Dailey, Dalton, Davidson, Davis, Drake, Drover, Edwins, English, Faulkner, Flodder, Galbraith, Garrouette, Ginz, Handy, Hart, Hosmer, Humphreys, Huthsteiner, Kester, Lehman, Miers, Mitchell, Nave, Osborn of Elkhart, Reichelderfer, Rooker, Saint, Scholl,

Schweitzer, Shanck, Shields, Stucker, Taylor of Daviess, Taylor of Warrick, Thompson, Tulley, Vanpelt, VanValzah, Willard, Works and Mr. Speaker—54.

Those who voted for Mr. Coffin, on part of the House, were: Messrs. Arnold of Grant, Arnold of Wabash, Bearss, Brown of Steuben, Campbell, Carey, Connaway, Connor, Copeland, Donnell, Fancher, Golden, Herod, Hess, Hopkins, Johnston, Kirkpatrick, Lindley, March, Messick, Overmyer, Owen, Reed, Robeson, Robinson, Rodman, Shanks, Skinner, Snoddy, Stevens, Taylor of Lagrange, Thayer, Thornburg, Vawter and Watson—35.

Those who voted for Mr. Monroe, on part of the House, were: Messrs. Major and Osborn of Vermillion—2.

Col. Shea having received 80 votes, Mr. Coffin 58 votes, and Mr. Monroe 3 votes, the Lieutenant-Governor declared Col. Shea duly elected Director of the Prison South for the term prescribed by law.

Nominations for another director of the Prison South being in order, Mr. Miers nominated P. L. D. Mitchell, of Monroe county.

Mr. Grubbs nominated Sam. D. Platt, of Perry county.

Mr. Osborne, of Vermillion, nominated James E. Benton, of Morgan county.

Those who voted for Mr. Mitchell, on the part of the Senate, were: Senators Benz, Briscoe, Burrell, Coffey, Davis, Donham, Foster, Fowler, Hart, Hefron, Kent, Kramer, Leeper, Major, Menzies, Peterson, Reeve, Reiley, Sarnighausen, Tarlton, Traylor, Urmstan, Viehe, Winterbotham, Wood and Woollen—26.

Those who voted for Mr. Platt, on the part of the Senate, were: Senators Cadwallader, Comstock, Davenport, Dice, Garrigus, Grubbs, Harris, Heilman, Kahlo, Langdon, Mercer, Moore, Olds, Ragan, Shaffer, Shirk, Smith, Streight, Taylor, Treat, Trusler, Weir and Wilson—23.

Senator Poindexter voted for Mr. Burton.

Those who voted for Mr. Mitchell, on the part of the House, were: Messrs. Alden, Allen, Baker, Barker, Blockley, Briggs, Brown of Jasper, Bryant, Caldwell, Carter, Compton, Confer, Cunningham, Dailey, Dalton, Davidson, Davis, Drake, Drover, Edwins, English, Faulkner, Flodder, Galbraith, Garrouette, Ginz, Handy, Hart, Hosmer, Humphreys, Huthsteiner, Kester, Kirkpatrick, Lehman, Miers, Mitchell, Nave, Osborn of Elkhart, Perry, Reed,

Reichelderfer, Rooker, Saint, Scholl, Schweitzer, Shauck, Shields, Stucker, Taylor of Daviess, Taylor of Warrick, Thompson, Tulley, Vanpelt, VanValzah, Willard, Works and Mr. Speaker—57.

Those who voted for Mr. Platt, on the part of the House, were: Messrs. Arnold of Grant, Arnold of Wabash, Bearss, Brown of Steuben, Campbell, Carey, Connor, Copeland, Donnell, Fancher, Golden, Herod, Hess, Hopkins, Kelly, Lindley, March, Messick, Overmyer, Owen, Robeson, Robinson, Rodman, Shanks, Skinner, Snoddy, Stevens, Taylor of Lagrange, Thayer, Thornburg, Vawter and Watson—33.

Those who voted for James E. Burton, on the part of the House, were: Messrs. Major and Osborn of Vermillion—2.

Mr. Mitchell having received 83 votes, Mr. Platt 56 votes, and Mr. Benton 3 votes, the Lieutenant-Governor declared Mr. Mitchell duly elected director of the Prison South.

Nominations for the Prison North being in order.

Mr. Kent placed in nomination John Lee, of Montgomery county.

Mr. Copeland nominated John H. Baker, of Whitley county.

Mr. Poindexter nominated Joseph C. Campbell, of Henry county.

Those who voted for Mr. Lee were: Senators Benz, Briscoe, Burrell, Coffey, Davis, Donham, Foster, Fowler, Hart, Hefron, Kent, Kramer, Leeper, Major, Menzies, Peterson, Reeve, Reiley, Sarnighausen, Tarlton, Traylor, Urmstan, Viehe, Winterbotham, Wood and Woollen—26.

Those who voted for Mr. Baker were: Senators Cadwallader, Comstock, Davenport, Dice, Garrigus, Grubbs, Harris, Heilman, Kahlo, Langdon, Mercer, Moore, Olds, Ragan, Shaffer, Shirk, Smith, Streight, Taylor, Treat, Trusler, Weir and Wilson—23.

Senator Poindexter voted for Mr. Campbell.

Those who voted for Mr. Lee, on the part of the House, were: Messrs. Alden, Allen, Baker, Barker, Blockley, Briggs, Brown of Jasper, Bryant, Caldwell, Carter, Compton, Confer, Cunningham, Dailey, Dalton, Davidson, Davis, Drake, Drover, Edwins, English, Faulkner, Flodder, Galbraith, Garrouette, Ginz, Handy, Hart, Hosmer, Humphreys, Huthsteiner, Kester, Lehman, Miers, Mitchell, Nave, Osborn of Elkhart, Reichelderfer, Rooker, Saint, Scholl,

Schweitzer, Shauck, Shields, Stucker, Taylor of Daviess, Taylor of Warrick, Tulley, Vanpelt, VanValzah, Willard and Mr. Speaker—53.

Those who voted for Mr. Baker, on the part of the House, were: Messrs. Arnold of Grant, Arnold of Wabash, Bearss, Brown of Jasper, Campbell, Carey, Connaway, Connor, Copeland, Donnell, Fancher, Golden, Herod, Hess, Hopkins, Kelly, Kirkpatrick, Lindley, March, Messick, Overmyer, Owen, Reed, Robeson, Robinson, Rodman, Shanks, Skinner, Snoddy, Stevens, Taylor of Lagrange, Thayer, Thornburg and Watson—34.

Those who voted for Mr. Campbell, on the part of the House, were: Messrs. Major, Osborn of Vermillion and Wimmer—3.

Mr. Lee having received 79 votes, Mr. Baker 57 votes and Mr. Campbell 3 votes, the Lieutenant-Governor declared Mr. Lee duly elected Director of the State Prison North.

Nominations for another Director of the State Prison North being in order.

Mr. Coffey placed in nomination Frederick Hoover, of Jasper county.

Mr. Copeland nominated Robert Dykes, of Noble county.

Mr. Poindexter nominated Richard Haslett, of Putnam county.

Those who voted for Mr. Hoover were: Senators Benz, Briscoe, Burrell, Coffey, Davis, Donham, Foster, Fowler, Hart, Hebron, Kent, Kramer, Leeper, Major, Menzies, Peterson, Reeve, Reiley, Sarnighausen, Tarlton, Traylor, Urmstan, Viehe, Winterbotham, Wood and Woollen—26.

Those who voted for Mr. Dykes were: Senators Cadwallader, Comstock, Davenport, Dice, Garrigus, Grubbs, Harris, Heilman, Kahlo, Langdon, Mercer, Moore, Olds, Ragan, Shaffer, Shirk, Smith, Streight, Taylor, Treat, Trusler, Weir and Wilson—23.

Senator Poindexter voted for Mr. Haslett.

Those who voted for Mr. Hoover, on the part of the House, were: Messrs. Alden, Allen, Baker, Barker, Blockley, Briggs, Brown of Jasper, Bryant, Caldwell, Carter, Compton, Confer, Cunningham, Dailey, Dalton, Davidson, Davis, Drake, Drover, Edwins, English, Faulkner, Flodder, Galbraith, Garrouette, Ginz, Handy, Hart, Hoemer, Humphreys, Huthsteiner, Kester, Lehman, Miers, Mitchell, Nave, Osborn of Elkhart, Perry, Reichelderfer, Rooker, Saint,

Scholl, Schweitzer, Shauck, Shields, Stucker, Taylor of Daviess, Taylor of Warrick, Thompson, Tulley, Vanpelt, VanValzah, Willard and Mr. Speaker—54.

Those who voted for Mr. Dykes, on the part of the House, were: Messrs. Arnold of Grant, Arnold of Wabash, Bearss, Campbell, Carey, Connaway, Connor, Copeland, Donnell, Fancher, Golden, Herod, Hess, Hopkins, Kelly, Kirkpatrick, Lindley, March, Messick, Overmyer, Owens, Reed, Robeson, Robinson, Rodman, Shanks, Skinner, Snoddy, Stevens, Taylor of Lagrange, Thayer, Thornburg, Vawter and Watson—34.

Those who voted for Mr. Haslett, on the part of the House, were: Messrs. Major, Osborn of Vermillion and Wimmer—3.

Mr. Hoover having received 80 votes, Mr. Dykes 57 votes, and Mr. Haslett 3 votes, the Lieutenant-Governor declared Mr. Hoover duly elected director of the State Prison north.

Nominations for another director of the prison north being in order Mr. Menzies nominated Mr. Simon Wile, of Laporte county.

Mr. Copeland nominated Charles A. Luther, of Porter county.

Mr. Poindexter nominated Henry Gore, of Tipton county.

Those who voted for Mr. Wile were: Senators Benz, Briscoe, Burrell, Coffey, Davis, Donham, Foster, Fowler, Hart, Hefron, Kent, Kramer, Leeper, Major, Menzies, Peterson, Reeve, Reiley, Sarnighausen, Tarlton, Traylor, Urmstan, Viehe, Winterbotham, Wood and Woollen—26.

Those who voted for Mr. Luther were: Senators Cadwallader, Comstock, Davenport, Garrigus, Grubbs, Harris, Heilman, Kahlo, Langdon, Mercer, Moore, Olds, Ragan, Shaffer, Shirk, Smith, Streight, Taylor, Treat, Trusler, Weir and Wilson—22.

Senator Poindexter voting for Mr. Gore.

Those who voted for Mr. Wile, on the part of the House, were: Messrs. Alden, Allen, Baker, Barker, Blockley, Briggs, Brown of Jasper, Bryant, Caldwell, Carter, Compton, Confer, Cunningham, Dailey, Dalton, Davidson, Davis, Drake, Drover, Edwins, English, Faulkner, Flodder, Galbraith, Garrouette, Ginz, Handy, Hart, Hosmer, Humphreys, Huthsteiner, Kester, Lehman, Miers, Mitchell, Nave, Osborn of Elkhart, Perry, Reichelderfer, Saint, Scholl, Schweitzer, Shauck, Shields, Stucker, Taylor of Daviess, Taylor of Warrick, Thompson, Tulley, Vanpelt, VanValzah, Willard and Mr. Speaker—53.

Those who voted for Mr. Luther, on the part of the House, were: Messrs. Arnold of Grant, Arnold of Wabash, Bearss, Brown of Steuben, Campbell, Carey, Connaway, Connor, Copeland, Donnell, Fancher, Golden, Herod, Hess, Hopkins, Kelly, Kirkpatrick, Lindley, March, Messick, Overmeyer, Owen, Reed, Robeson, Robinson, Rodman, Shanks, Skinner, Snoddy, Stevens, Taylor of Lagrange, Thayer, Thornburg, Vawter and Watson—35.

Those who voted for Mr. Gore, on the part of the House, were Messrs. Major, Osborn of Vermillion and Rooker—3.

Mr. Wile having received 79 votes, Mr. Luther 57 votes, Mr. Gore 3 votes, the Lieutenant-Governor declared Mr. Wile duly elected Director of the Prison North.

The purpose for which the Joint Assembly was convened having been accomplished, the Lieutenant-Governor declared the same adjourned.

Senators having returned to their Chamber, and being called to order, the Lieutenant-Governor laid before the Senate a communication from the Secretary of State on the subject of prisons.

Which was referred to the committee on the judiciary.

The call of the roll on the motion of Mr. Hefren to reject the amendment offered by Mr. Harris to Senate Joint Resolution No. 2, was resumed.

Mr. Heilman asked to be excused from voting.

On motion of Mr. Olds he was excused.

Mr. Kahlo asked to be excused.

Mr. Reeve moved that Mr. Kahlo's excuse be accepted.

Which was agreed to.

The ayes and noes on the motion to reject the amendment resulted as follows:

Those who voted in the affirmative were: Senators Benz, Briscoe, Burrell, Cadwallader, Coffey, Comstock, Davenport, Davis, Dice, Donham, Fowler, Grubbs, Hart, Hefron, Kent, Kramer, Langdon, Leeper, Major, Mercer, Moore, Olds, Peterson, Poindexter, Ragan, Reiley, Shirk, Smith, Streight, Tarlton, Taylor, Traylor, Trusler, Urmstan, Weir, Wilson and Winterbotham—37.

Those who voted in the negative were: Senators Foster, Har-

ris, Menzies, Reeve, Sarnighausen, Shaffer, Treat, Viehe and Wood—9.

The amendment was rejected.

The question being on the adoption of the resolution.

The ayes and noes were demanded by Messrs. Streight and Hefron. Which being ordered and taken resulted as follows:

Those who voted in the affirmative were: Senators Benz, Briscoe, Burrell, Cadwallader, Coffey, Davenport, Davis, Dice, Donham, Fowler, Hart, Hefron, Kramer, Langdon, Leeper, Major, Mercer, Moore, Peterson, Poindexter, Ragan, Reiley, Shirk, Smith, Streight, Tarlton, Taylor, Trusler, Urmstan, Weir, Wilson, Winterbotham, Wood and Woollen—34.

Those who voted in the negative were: Senators Comstock, Foster, Garrigus, Grubbs, Harris, Heilman, Kent, Menzies, Olds, Reeve, Reiley, Sarnighausen and Treat—13.

The Senate concurrent resolution No. 2, requesting our Representatives in Congress to use their influence to procure the passage of the bill now pending before the United States Senate regulating commerce, etc., was adopted.

The Senate adjourned.

(Approved.)

ISAAC P. GRAY,
President of the Senate.

THURSDAY MORNING.

FEBRUARY 6, 1879.

The Senate met at 10 o'clock. Lieutenant-Governor Gray in the chair.

The session was opened with prayer by Rev. George W. Cook of the M. E. Church.

Mr. Menzies moved to dispense with the further reading of the Journal, and demanded the previous question.

Messrs. Harris and Grubbs demanded the ayes and noes.

Which being ordered and taken resulted as follows:

Those who voted in the affirmative were: Senators Benz, Biscoe, Burrell, Coffey, Comstock, Davenport, Davis, Donham, Foster, Fowler, Hart, Hefron, Kent, Kramer, Leeper, Major, Menzies, Peterson, Poindexter, Ragan, Reiley, Sarnighausen, Shirk, Tarlton, Traylor, Urmstan, Viehe, Winterbotham, Wood and Woollen—30.

Those who voted in the negative were: Senators Cadwallader, Dice, Garrigus, Grubbs, Harris, Heilman, Kahlo, Langdon, Mercer, Moore, Olds, Reeve, Shaffer, Smith, Streight, Taylor, Treat, Trusler, Weir and Wilson—20.

The previous question was seconded.

The question being on the motion to dispense with the further reading of the Journal.

The ayes and noes were demanded by Messrs. Harris and Grubbs. Which being ordered and taken resulted as follows:

Those who voted in the affirmative were: Senators Benz, Biscoe, Burrell, Coffey, Comstock, Davis, Donham, Foster, Fowler, Hart, Hefron, Kent, Kramer, Leeper, Major, Menzies, Peterson, Reiley, Tarlton, Traylor, Urmstan, Viehe, Winterbotham, Wood, Woollen and Mr. President—26.

Those who voted in the negative were: Senators Cadwallader, Davenport, Dice, Garrigus, Grubbs, Harris, Heilman, Kahlo, Langdon, Mercer, Moore, Olds, Poindexter, Ragan, Reeve, Sarnighausen, Shaffer, Shirk, Smith, Streight, Taylor, Treat, Trusler, Weir and Wilson—25.

The reading of the Journal was dispensed with.

Mr. Menzies moved to take up concurrent resolution No. 3, and on that motion demanded the previous question.

Messrs. Grubbs and Harris demanded the ayes and noes.

Which being ordered and taken resulted as follows:

Those who voted in the affirmative were: Senators Benz, Biscoe, Burrell, Coffey, Davis, Donham, Foster, Fowler, Hart, Hefron, Kent, Kramer, Leeper, Major, Menzies, Peterson, Reiley, Sarnighausen, Tarlton, Traylor, Urmstan, Viehe, Winterbotham, Wood, Woollen and Mr. President—26.

Those who voted in the negative were: Senators Cadwallader, Comstock, Davenport, Dice, Garrigus, Grubbs, Harris, Heilman, Kahlo, Langdon, Mercer, Moore, Olds, Poindexter, Ragan, Reeve,

Shaffer, Shirk, Smith, Streight, Taylor, Treat, Trusler, Weir and Wilson—25.

The previous question was seconded.

The question recurring on the main question to take up the resolution.

The ayes and noes were demanded by Messrs. Harris and Grubbs. Which being ordered and taken resulted as follows:

Those who voted in the affirmative were: Senators Benz, Biscoe, Burrell, Coffey, Davis, Donham, Foster, Fowler, Hart, Hefron, Kent, Kramer, Leeper, Major, Menzies, Peterson, Reiley, Sarnighausen, Tarlton, Traylor, Urmstan, Viehe, Winterbotham, Wood, Woollen and Mr. President—26.

Those who voted in the negative were: Senators Cadwallader, Comstock, Davenport, Dice, Garrigus, Grubbs, Harris, Heilman, Kahlo, Langdon, Mercer, Moore, Olds, Poindexter, Ragan, Reeve, Shaffer, Shirk, Smith, Streight, Taylor, Treat, Trusler, Weir and Wilson—25.

The motion to take up the resolution was agreed to.

House Concurrent Resolution No. 3 was then taken up and read.

Mr. Grubbs offered the following amendment:

Amend the resolution by striking out the words, "one president of the several boards of trustees and commissioners of the benevolent institutions of the State," in lines 5, 6 and 7. By striking out the words two commissioners in line 8, and inserting in lieu thereof the words "one commissioner." By striking out the words "two trustees," in line 12, and inserting in lieu thereof the words "one trustee."

Mr. Menzies moved to reject the amendment offered by the Senator from Morgan, and demanded the previous question.

Messrs. Dice and Harris demanded the ayes and noes.

Which being ordered and taken resulted as follows:

Those who voted in the affirmative were: Senators Benz, Biscoe, Burrell, Coffey, Donham, Foster, Fowler, Hart, Hefron, Kent, Kramer, Leeper, Major, Menzies, Peterson, Reeve, Sarnighausen, Tarlton, Traylor, Urmstan, Winterbotham, Wood and Woollen—23.

Those who voted in the negative were: Senators Cadwallader, Comstock, Davenport, Davis, Dice, Garrigus, Grubbs, Harris, Heilman, Kahlo, Langdon, Mercer, Moore, Olds, Poindexter, Ragan,

Reiley, Shaffer, Shirk, Smith, Streight, Taylor, Treat, Trusler, Viehe, Weir and Wilson—27.

The previous question was rejected.

Mr. Reeve offered the following:

I move as an amendment to the amendment that the Concurrent Resolution be amended by fixing next Thursday, February 13, as the day for election, instead of the date now fixed by the resolution.

Mr. Menzies moved to postpone further consideration of the subject until Thursday, February 13, at 2 o'clock.

Messrs. Burrell and Benz demanded the ayes and noes.

Which being ordered and taken, resulted as follows:

Those who voted in the affirmative were: Senators Benz, Briscoe, Coffey, Davenport, Dice, Donham, Foster, Fowler, Garrigus, Grubbs, Harris, Hart, Heilman, Kahlo, Kent, Langdon, Leeper, Menzies, Moore, Olds, Peterson, Ragan, Reeve, Reiley, Sarnighausen, Shaffer, Shirk, Smith, Streight, Tarlton, Treat, Trusler, Urnstan, Viehe, Weir, Wood and Woollen—37.

Those who voted in the negative were: Senators Burrell, Cadwallader, Comstock, Davis, Hefron, Kramer, Major, Poindexter, Taylor, Traylor, Wilson and Winterbotham—12.

The motion was agreed to.

Mr. Foster offered the following resolution:

Resolved by the Senate (the House of Representatives concurring therein), That our Senators and Representatives in Congress are respectfully requested, at the earliest day practicable, to use their best endeavors to secure the passage by Congress of a law preventing the unfair discrimination on the part of railways and other transportation companies, in the different States, in rates against shippers, and to protect shippers against loss by reason of frequent changes in rates of transportation.

Messrs. Streight and Grubbs demanded the ayes and noes.

Which being ordered and taken, and resulted as follows:

Those who voted in the affirmative were: Senators Briscoe, Coffey, Comstock, Davenport, Dice, Donham, Foster, Fowler, Garrigus, Grubbs, Harris, Hart, Hefron, Heilman, Kramer, Langdon, Leeper, Major, Mercer, Moore, Olds, Peterson, Ragan, Reiley, Shirk, Smith, Streight, Tarlton, Taylor, Traylor, Treat, Trusler, Weir, Wilson, Winterbotham, Wood and Woollen—37.

Those who voted in the negative were: Senators Benz, Burrell, Cadwallader, Davis, Menzies and Reeve—6.

The resolution was adopted, and the Senate adjourned.

AFTERNOON SESSION.

FEBRUARY 6, 1879.

Senate reassembled at 2 o'clock, Lieutenant-Governor Gray in the chair.

Mr. Heffron moved that Senate Bill No. 54, in relation to Legislative apportionment be taken from the table and referred to the committee on Legislative apportionment.

Which was agreed to.

Mr. Fowler moved to take up the report of the committee on Senate Bill No. 187, in relation to supervisors.

It was so ordered, and the report of the committee concurred in.

Mr. Reeve moved that Senate Bill No. 111, in relation to insurance companies acquiring title to real estate in this State, be taken up, the constitutional rule suspended and the bill put upon its passage.

A constitutional provision requiring the ayes and noes, they were ordered and taken resulting as follows:

Those who voted in the affirmative were: Senators Briscoe, Burrell, Davenport, Davis, Dice, Heilman, Kahlo, Kent, Leeper, Major, Mercer, Olds, Poindexter, Reeve, Shaffer, Shirk, Traylor, Treat, Viehe, Wilson, Winterbotham and Wood—22.

Those who voted in the negative were: Senators Benz, Comstock, Donham, Foster, Fowler, Garrigus, Grubbs, Harris, Hart, Heffron, Kramer, Langdon, Menzies, Moore, Peterson, Ragan, Reiley, Sarnighausen, Smith, Streight, Tarlton, Taylor, Trusler, Urmstan, Weir and Wilson—26.

The motion was rejected.

Mr. Foster moved to suspend the regular order and take up Senate Bill No. 277 in relation to interest.

The ayes and noes were demanded by Messrs. Fowler and Foster, which being ordered and taken resulted as follows:

Those who voted in the affirmative were: Senators Benz, Burrell, Coffey, Davis, Dice, Donham, Foster, Fowler, Garri-
gus, Grubbs, Hart, Hefron, Kahlo, Kent, Kramer, Leeper, Major,
Menzies, Mercer, Peterson, Poindexter, Ragan, Reiley, Sarnighau-
sen, Shaffer, Tarlton, Traylor, Treat, Trusler, Urmstan, Viehe,
Wilson, Winterbotham, Wood and Woollen—36.

Those who voted in the negative were: Senators Cadwallader,
Comstock, Davenport, Harris, Heilman, Langdon, Moore, Olds,
Reeve, Shirk, Smith, Streight, Taylor and Weir—14.

The regular order was suspended.

Mr. Harris moved that the report of the committee be set aside,
the bill taken up and read by sections.

Which was agreed to.

Mr. Hefron offered the following substitute for section 1 of the
bill:

MR. PRESIDENT:

I move as a substitute for section 1 as follows: "That interest
upon the loan or forbearance of money, goods or choses in action
shall be at any rate per cent. on which the parties may agree, not
exceeding six dollars a year on one hundred dollars, and at that rate
for a greater or less sum or for a longer or shorter time; but it may
be taken yearly or for any shorter period in advance, if so expressly
agreed."

Mr. Harris offered the following amendment to the substitute:

"*Provided*, That it shall not be unlawful for any citizen of this
State to charge and receive the same rate of interest now charged
and received by the State on loans of the congressional and public
school funds."

Mr. Foster moved the previous question.

Which was ordered by the Senate.

The question being, shall the main question be now put?

Messrs. Reeve and Menzies demanded the ayes and noes.

Which being ordered and taken resulted as follows:

Those who voted in the affirmative were: Senators Benz, Bris-
coe, Burrell, Coffey, Davis, Donham, Foster, Fowler, Hart, Hefron,
Kent, Kramer, Leeper, Major, Menzies, Mercer, Peterson, Poindex-
ter, Ragan, Reiley, Sarnighausen, Tarlton, Taylor, Traylor, Treat,
Trusler, Urmstan, Viehe, Wilson, Winterbotham, Wood and Wool-
len—32.

Those who voted in the negative were: Senators Comstock, Davenport, Dice, Garrigus, Grubbs, Harris, Heilman, Kahlo, Langdon, Moore, Olds, Reeve, Shaffer, Shirk, Smith, Streight and Veir—17.

The main question was ordered.

The question recurring on the amendment offered by Mr. Harris.

The ayes and noes were demanded by Messrs. Harris and Olds.

Which being ordered and taken resulted as follows:

Those who voted in the affirmative were: Senators Cadwallader, Comstock, Davenport, Donham, Garrigus, Grubbs, Harris, Heilman, Kahlo, Langdon, Mercer, Moore, Olds, Reeve, Sarnighausen, Shaffer, Shirk, Smith, Streight, Taylor, Viehe, Weir, Wilson and Winterbotham—24.

Those who voted in the negative were: Senators Benz, Briscoe, Burrell, Coffey, Davis, Dice, Foster, Fowler, Hart, Hefron, Kent, Kramer, Leeper, Major, Menzies, Peterson, Poindexter, Ragan, Reiley, Tarlton, Traylor, Treat, Trusler, Urmstan, Wood and Woollen—26.

The amendment was rejected.

The question recurring on the substitute.

Messrs. Benz and Burrell demanded the ayes and noes.

Which being ordered and taken resulted as follows:

Those who voted in the affirmative were: Senators Benz, Briscoe, Burrell, Coffey, Dice, Foster, Fowler, Hart, Hefron, Kent, Kramer, Leeper, Major, Menzies, Poindexter, Ragan, Reiley, Tarlton, Taylor, Treat, Trusler, Urmstan and Woollen—23.

Those who voted in the negative were: Senators Cadwallader, Comstock, Davenport, Davis, Donham, Garrigus, Grubbs, Harris, Heilman, Kahlo, Langdon, Mercer, Moore, Olds, Peterson, Reeve, Sarnighausen, Shaffer, Shirk, Smith, Streight, Taylor, Viehe, Weir, Wilson, Winterbotham and Wood—27.

The substitute was lost.

Mr. Harris moved that section 1 be adopted, and on that motion demanded the previous question.

Which was seconded by the Senate.

The main question was ordered.

The question being on the adoption of section 1, Messrs. Harris and Senate Jour—16

Kahlo demanded the ayes and noes, which were ordered and taken resulting as follows:

Those who voted in the affirmative were: Senators Cadwallader, Coffey, Comstock, Davenport, Davis, Donham, Fowler, Garrigus, Grubbs, Harris, Hart, Heilman, Kahlo, Kent, Langdon, Leeper, Menzies, Mercer, Moore, Olds, Peterson, Poindexter, Ragan, Reeve, Reiley, Sarnighausen, Shaffer, Shirk, Smith, Streight, Tarlton, Taylor, Traylor, Treat, Trusler, Urmstan, Viehe, Weir, Wilson, Winterbotham, Wood and Woollen—42.

Those who voted in the negative were: Senators Benz, Briscoe, Burrell, Dice, Foster, Hefron, Kramer and Major—8.

Section 1 was adopted.

Mr. Fowler offered the following substitute for section 2:

Strike out all of section 2 and substitute the following:

Section 2. All judgments hereafter rendered shall bear interest at the rate of six per cent. per annum: *Provided*, That nothing herein contained shall be so construed as to prevent the taking of a higher rate of interest on contracts already made.

Mr. Burrell moved to strike out all after and including the word "provided" in the substitute offered by the Senator from Owen.

Mr. Streight moved to reject the substitute and amendment and demanded the previous question.

Which was seconded by the Senate.

The substitute and amendment were rejected.

Mr. Harris moved that section 2 be adopted.

Messrs. Hefron and Harris demanded the ayes and noes, which being ordered and taken resulted as follows:

Those who voted in the affirmative were: Senators Cadwallader, Comstock, Davenport, Davis, Dice, Garrigus, Grubbs, Harris, Heilman, Kahlo, Langdon, Menzies, Mercer, Moore, Olds, Peterson, Poindexter, Ragan, Reeve, Sarnighausen, Shaffer, Shirk, Smith, Streight, Taylor, Viehe, Weir, Winterbotham and Wood—29.

Those who voted in the negative were: Senators Benz, Briscoe, Burrell, Coffey, Foster, Fowler, Hart, Hefron, Kent, Kramer, Leeper, Major, Reiley, Tarlton, Traylor, Treat, Trusler, Urmstan, Wilson and Woollen—20.

The section was adopted.

The following message was received from the House by the Clerk thereof:

MR. PRESIDENT:

I am directed by the Speaker of the House to inform the Senate that the House has passed Senate concurrent resolution No. 7, relating to the satisfaction of judgments in certain cases.

I am also further instructed to inform the Senate that the House has passed Senate concurrent resolution No. 2, entitled "A concurrent resolution instructing our Senators and requesting our Representatives in Congress to use their influence to procure the passage of the bill now pending before the United States Senate regulating interstate commerce, and that the Secretary of State be directed to inform the Senators of the passage of this resolution."

And I am further directed to inform the Senate that the House has passed the following concurrent resolution of the Senate, to-wit:

Resolved by the Senate (the House of Representatives concurring therein), That for the present and until the pay of the officers and employes of the Senate be fixed by law, the said officers and employes be allowed to draw the same pay as was allowed them at the last session of the General Assembly.

And said resolutions are herewith returned to the Senate.

MR. PRESIDENT:

I am directed by the Speaker of the House to inform the Senate that the House has passed Senate concurrent resolution No. 12, and the same is herewith returned to the Senate.

The following message was received from the House by the Clerk thereof:

MR. PRESIDENT:

I am directed by the Speaker of the House to inform the Senate that the House has passed engrossed House joint resolution No. 13, instructing our Representatives and requesting our Senators to procure an enactment reducing the salaries of Federal officers, etc., and the same is herewith transmitted to the Senate.

The following message was received from the House by the Clerk thereof:

MR. PRESIDENT:

I am directed by the Speaker of the House to inform the Senate that the House has passed the engrossed House concurrent resolu-

tion as follows, to-wit: In reference to a modification of the internal revenue laws, and the same is herewith transmitted to the Senate.

The following message was received from the House by the Clerk thereof:

MR. PRESIDENT:

I am directed by the Speaker of the House to inform the Senate that the House has passed engrossed House Bill No. 140, entitled "An act legalizing the annexation of lands and lots to the city of Terre Haute," etc.

And the same is herewith transmitted to the Senate.

The following message was received from the House by the Clerk thereof:

MR. PRESIDENT:

I am directed by the Speaker of the House to inform the Senate that the House has passed engrossed House Bill No. 15, entitled "An act to legalize the election held in the year 1878 in the town of Edinburgh, Johnson county," etc.

And the same is herewith transmitted to the Senate.

Leave of absence was asked and obtained for the committee on Prisons until Monday, at noon.

The committee on charitable institutions obtained leave of absence until to-morrow night.

Mr. Hart obtained leave of absence until Wednesday morning.

The Senate adjourned.

(Approved.)

ISAAC P. GRAY,
President of the Senate.

FRIDAY MORNING.

FEBRUARY 7, 1879.

The Senate met at 10 o'clock, Lieutenant-Governor Gray in the chair.

The session was opened with prayer by the Rev. Dr. Hinkle, of the Swedenborg Church.

The Journal was being read when, on motion of Mr. Harris, the further reading of the Journal was dispensed with.

Mr. Reeve introduced Senate Bill No. 363, entitled "An act to consolidate certain funds belonging to the school fund into one non-negotiable bond, and making other provisions in relation thereto."

Read the first time and referred to the committee on education.

Mr. Donham moved that House Bill No. 140, entitled "An act legalizing the annexation of land and lots to the city of Terre Haute by the common council," etc., be taken up.

Which was agreed to.

The bill was read the first time and referred to the committee on rights and privileges.

Mr. Viehe, from the committee on the organization of courts, reported Senate Bill No. 60, entitled "An act to amend sections 6, 7, 44 and 45 of an act entitled an act to divide the State into circuits for judicial purposes," etc., with the report of the committee recommending its passage.

Mr. Burrell moved that the report of the committee be concurred in, the bill read the second time and ordered engrossed.

Which was agreed to.

Leave of absence was obtained for Mr. Menzies until Monday noon, and for Mr. Leeper until Tuesday morning, from to-night.

The following message was received from the House by the Clerk thereof:

MR. PRESIDENT:

I am directed by the Speaker of the House to inform the Senate that the House has passed the following concurrent resolution:

Resolved by the House of Representatives (the Senate concurring therein), That the action of the Doorkeeper of the House of Representatives in employing Thomas McDaniel to superintend the temperature, heating and ventilation of the House, on the twelfth day of January, 1879, be and the same is hereby ratified and approved, and that until the pay of said McDaniel be fixed by law he shall be paid the sum of \$3.00 per day from said twelfth day of January, 1879, and the Speaker of the House is hereby directed to draw his warrant for such pay, and the same is herewith transmitted to the Senate.

Mr. Woollen, from the committee on county and township busi-

ness, reported Senate Bill No. 80, entitled "An act abolishing certain offices in cities and incorporated towns," etc., with the report of the committee recommending its passage after certain amendments.

Mr. Reeve moved to amend section 1 by striking out the words "the office of assessor" and the words "be abolished," and strike out the word "shall" before constitute, and insert "may."

Mr. Burrell moved to reject the amendment offered by Mr. Reeve.

The ayes and noes were demanded by Messrs. Burrell and Winterbotham.

Mr. Viehe moved the previous question.

Which was seconded by the Senate.

The question being, shall the main question be now put?

The Senate so ordered.

The question recurring on the motion to reject the amendment offered by Mr. Reeve, the ayes and noes were ordered and taken, resulting as follows:

Those who voted in the affirmative were: Senators Burrell, Comstock, Davis, Dice, Donham, Kahlo, Kent, Kramer, Major, Moore, Peterson, Ragan, Reiley, Smith, Taylor, Trusler, Urmstan, Viehe, Weir, Wilson, Winterbotham, Wood and Woollen—23.

Those who voted in the negative were: Senators Cadwallader, Coffey, Garrigus, Grubbs, Harris, Heilman, Langdon, Leeper, Mercer, Poindexter, Reeve, Sarnighausen, Streight, Taylor and Treat—15.

The amendment was rejected.

The following message was received from the House by the clerk thereof:

MR. PRESIDENT:

I am directed by the Speaker of the House of Representatives to inform the Senate that he has signed enrolled House concurrent resolution in reference to the pay of the officers and employes of the House of Representatives.

And the same is herewith transmitted to the Senate for the signature of the President.

Also the following:

MR. PRESIDENT:

I am directed by the Speaker of the House to inform the Senate that he has signed enrolled House concurrent resolution in relation

to securing pensions to the survivors of the Mexican war.

And the same is herewith transmitted to the Senate for the signature of the president.

The Lieutenant-Governor laid before the Senate a communication from John T. Campbell, proposing to allow the State to adopt his road system for the sum of one hundred and fifty dollars, stating that he was protected by copyright, and that no state can adopt it, or an imitation, or infringement of it, without his consent; that he had three times before offered it to the State free of cost, but the State having declined it, he will now stand on his right.

On motion of Mr. Streight the reading of the communication was dispensed with and referred to the committee on roads.

The Lieutenant-Governor laid before the Senate an invitation from Thomas McIntire, Superintendent of the Deaf and Dumb Institute, inviting the members of the Senate to witness, this evening, an exhibition of the course of instruction pursued in said institute.

Mr. Comstock, from the committee on the judiciary, moved that Senate Bill No. 280, entitled "An act supplemental to an act to establish public libraries," etc., together with the report of the committee, be taken up.

Which was agreed to.

The report was concurred in. The question recurring on the question of engrossment, the ayes and noes were demanded by Messrs. Wilson and Dice.

Which being ordered and taken, resulted as follows:

Those who voted in the affirmative were: Senators Burrell, Cadwallader, Comstock, Davis, Garrigus, Grubbs, Harris, Heilman, Kahlo, Kent, Kramer, Langdon, Leeper, Major, Mercer, Moore, Olds, Peterson, Ragan, Reeve, Sarnighausen, Smith, Streight, Taylor, Treat, Urmstan, Viehe, Winterbotham, Wood and Woollen—30.

Those who voted in the negative were: Senators Coffey, Dice, Donham, Poindexter, Reiley, Taylor, Trusler, Weir and Wilson—9.

The bill was ordered engrossed.

Mr. Leeper moved that the committee on insurance have leave to report Senate Bill No. 303, entitled "An act to amend section 1

of an act entitled an act to enable farmers and citizens of any county in the State of Indiana," etc.

Which was agreed to.

The bill was read the second time and ordered engrossed.

Mr. Coffey reported as follows:

MR. PRESIDENT:

Your committee on enrolled bills have examined enrolled Senate Bills No. 4 and No. 51, and find them to be correctly enrolled.

On motion of Mr. Viehe all standing committees were granted leave to report.

Mr. Riley, from the committee on elections, reported Senate Bill No. 320, entitled "An act authorizing common councils of cities to elect the marshals thereof," etc., with the report of the committee, recommending that it be indefinitely postponed.

Which was placed on file without reading.

Mr. Reiley, from the same committee, reported Senate Bill No. 328, entitled "An act to repeal an act entitled an act limiting the eligibility to the office of township trustee," etc., with the report of the committee recommending that it be indefinitely postponed.

Which was placed on file without reading.

Mr. Reiley, from the same committee, reported Senate Bill No. 330, entitled "An act to prevent fraud, bribery and corruption in elections," etc., with the report of the committee recommending that it be indefinitely postponed.

Which was also placed on file without reading.

Mr. Viehe, from the committee on the judiciary, reported Senate Bill No. 105, entitled "An act requiring the vendor of real estate who desires to retain a lien," etc., with the report of the committee recommending that it be indefinitely postponed.

Which was placed on file without reading.

Mr. Viehe, from the committee on the judiciary, reported Senate Bill No. 276, entitled "An act regulating submission in the supreme court," with the report of the committee recommending its indefinite postponement.

Which was placed on file without reading.

Mr. Viehe, from the committee on the judiciary, reported Senate Bill No. 343, entitled "A bill for an act providing for the appoint-

ment of public administrators," etc., with the report of the committee recommending its indefinite postponement.

Which was placed on file without reading.

Mr. Viehe, from the committee on the judiciary, reported Senate Bill No. 307, entitled "An act to amend section 784 of the practice act," with the report of the committee recommending that it be indefinitely postponed.

Which was placed on file without reading.

Mr. Viehe, from the committee on the judiciary, reported Senate Bill No. 263, entitled "An act defining libel and prescribing punishment therefor," with the report of the committee recommending its indefinite postponement.

Which was placed on file without reading.

Mr. Viehe, from the committee on the judiciary, reported Senate Bill No. 235, entitled "An act concerning the payment of salaries of judges of the superior courts," with the report of the committee recommending the passage of the bill.

Which was placed on file without reading.

Mr. Viehe, from the committee on the judiciary, reported Senate Bill No. 79, entitled "An act to secure more efficient work and material in the performance of contracts for public works," etc., with the report of the committee recommending its passage.

Which was placed on file without reading.

Mr. Viehe, from the committee on the judiciary, reported Senate Bill No. 99, relating to justices' transcripts, sheriffs' sales, etc., with the report of the committee that it pass after certain amendments.

Which was placed on file without reading.

Mr. Grubbs, from the committee on the judiciary, reported Senate Bill No. 313, in reference to sales by sheriffs, administrators, guardians and commissioners, etc., with the report of the committee, recommending its passage.

Which was placed on file without reading.

Mr. Grubbs, from the committee on the judiciary, reported Senate Bill No. 243, entitled "An act to amend sections 1 and 4 of the assessment law," with the recommendation that it be indefinitely postponed.

Which was placed on file without reading.

Mr. Kent, from the committee on the judiciary, reported Senate Bill No. 230, entitled "An act enabling married women between ages of eighteen and twenty-one years to convey their real estate," etc., with the report of the committee recommending its passage, after certain amendments.

Which was placed on file without reading.

Mr. Kent, from the committee on the judiciary, reported Senate Bill No. 291, entitled "A bill for an act relating to employment of mechanics in and about the benevolent institutions," etc., with the report of the committee, recommending its passage.

Which was placed on file without reading.

Mr. Kent, from the committee on the judiciary, reported Senate Bill No. 269, entitled "An act in relation to renting buildings to gamblers and prostitutes," with the report of the committee recommending its passage.

Which was placed on file without reading.

Mr. Kent, from the committee on the judiciary, reported Senate Bill No. 310, in relation to conditional sales of personal property, etc., with the report of the committee recommending that it be indefinitely postponed.

Which was placed on file without reading.

Mr. Kent, from the committee on the judiciary, reported Senate Bill No. 237, entitled "An act to amend section 402 of an act to revise, simplify and abridge the rules, practice," etc., with the report of the committee recommending that it be indefinitely postponed.

Which was placed on file without reading.

Mr. Kent, from the committee on the judiciary, reported Senate Bill No. 255, entitled "An act prescribing certain duties of the owners of lands, and other matters connected therewith," etc., with the report of the committee recommending that it lie on the table.

Which was placed on file without reading.

Mr. Kent, from the committee on the judiciary, reported Senate Bill No. 292, entitled "An act to procure documentary evidence," with the report of the committee recommending the passage of the bill.

Which was placed on file without reading.

Mr. Burrell, from the committee on the judiciary, reported Senate Bill No. 16, entitled "An act in relation to changes of venue in

cases of preliminary examinations," etc., with the report of the committee recommending its passage after certain amendments.

Which was placed on file without reading.

Mr. Burrell, from the committee on the judiciary, reported Senate Bill No. 274, entitled "An act for the relief of Thomas N. Jones, of Hendricks county, with the report of the committee recommending that it be indefinitely postponed.

Which was placed on file without reading.

Mr. Burrell, from the committee on the judiciary, reported Senate Bill No. 231, entitled "An act to amend section 1 of an act in relation to justices," with the report of the committee recommending that it be indefinitely postponed.

Which was placed on file without reading.

Mr. Burrell, from the committee on the judiciary, reported Senate Bill No. 309, entitled "An act to amend sections 13 and 14 of an act to establish a house of refuge," with the report of the committee recommending the passage of the bill.

Which was placed on file without reading.

Mr. Burrell, from the committee on the judiciary, reported Senate Bill No. 244, entitled "An act declaring the titles to real estate in certain cases," etc., with the recommendation of the committee that it be indefinitely postponed.

Which was placed on file without reading.

Mr. Burrell, from the committee on the judiciary reported Senate Bill No. 215, entitled "An act to amend sections 1, 11 and 12 of the exemption law," with the recommendation of the committee that it do lie on the table.

Which was placed on file without reading.

Mr. Burrell, from the committee on the judiciary, reported Senate Bill No. 275, entitled "An act to secure more perfect legislation and facilitate the passage and perfection of laws," with the report of the committee recommending its passage.

Which was placed on file without reading.

Mr. Comstock, from the committee on the judiciary, reported Senate Bill No. 316, entitled "An act to amend section 7 of an act in relation to notaries public," with the report of the committee recommending its passage

Which was placed on file without reading.

Mr. Viehe, from the committee on the organization of courts, re-

ported Senate Bill No. 207, entitled "An act providing for determining, allowing and paying claims against the State," etc., with the report of the committee recommending that it be amended, that two hundred copies be printed, and that the bill then pass.

Which was placed on file without reading.

Mr. Viehe, from the committee on the organization of courts, reported Senate Bill No. 265, entitled "An act providing for the appointment of receivers in certain cases," with the report of the committee, recommending that it be indefinitely postponed.

Which was placed on file without reading.

Mr. Viehe, from the committee on the organization of courts, reported Senate Bill No. 293, entitled "An act to amend section 19 of an act entitled an act prescribing the powers and duties of justices of the peace," etc., with the recommendation of the committee that the bill do pass.

Which was placed on file without reading.

Mr. Coffey, from the committee on the organization of courts, reported Senate Bill No. 124, entitled "An act defining the jurisdiction of justices of the peace and mayors of cities in certain cases," with the report of the committee, recommending that it be indefinitely postponed.

Which was placed on file without reading.

Mr. Wilson, from the committee on the organization of courts, reported Senate Bill No. 186, entitled "An act to amend section 3 of an act entitled an act to provide for the election, and certain of the duties, of prosecuting and district attorneys," etc., with the report of the committee, recommending that it lie on the table.

Which was placed on file without reading.

Mr. Wilson, from the committee on the organization of courts, reported Senate Bill No. 203, in relation to the election, selection, and empannelling of jurors in circuit courts, prescribing their qualifications, etc., with the report of the committee, recommending that it be indefinitely postponed.

Which was placed on file without reading.

Mr. Grubbs, from the committee on the organization of courts, reported Senate Bill No. 267, entitled "An act to amend section 1 of an act entitled an act to amend section 561 of the practice act," etc., with the recommendation that it be amended by striking out section 2, and when so amended recommend its passage.

Which was placed on file without reading.

Mr. Comstock, from the committee on the judiciary, reported Senate Bill No. 329, entitled "An act requiring county recorders to record powers of attorney in special record," with the report of the committee recommending the indefinite postponement of the bill.

Which was placed on file without reading.

Mr. Sarnighausen, from the committee on education, reported Senate Bill No. 137½, entitled "An act prohibiting disclosure of school examiner's papers, prepared for teachers," etc., with the report of the committee recommending its passage after certain amendments.

Which was placed on file without reading.

Mr. Sarnighausen, from the committee on education, reported Senate Bill No. 334, entitled "An act to amend section 6 of the school law," etc., with the report of the committee recommending the passage of the bill.

Which was placed on file without reading.

Mr. Sarnighausen, from the committee on education, reported Senate Bill No. 107, entitled "A bill to abolish the office of county superintendent of schools," etc., with the report of the committee recommending that the bill be indefinitely postponed.

Which was placed on file without reading.

Mr. Sarnighausen, from the committee on education, reported Senate Bill No. 331, entitled "An act to amend the first section of the law requiring school trustees of towns and cities to pay over money to such towns and cities," etc., with the recommendation of the committee that the bill pass.

Which was placed on file without reading.

Mr. Trusler, from the committee on roads, reported Senate Bill No. 187, entitled "An act amending sections 1, 2 and 20 of an act providing for the election and appointment of supervisors," etc., with the report of the committee recommending that the same do pass.

Which was placed on file without reading.

Mr. Peterson, from the committee on agriculture, reported Senate Bill No. 323, entitled "An act to amend the second section of an act entitled an act to discourage the keeping of useless and sheep killing dogs," etc., with the report of the committee recommending certain amendments, and when so amended, that the bill pass.

Which was placed on file without reading.

Mr. Donham, from the committee on rights and privileges, reported Senate Bill No. 297, entitled "An act to abolish the office of State Geologist," etc., with the recommendation that the bill pass.

Which was placed on file without reading.

Mr. Garrigus, from the committee on canals and swamp lands, reported Senate Bill No. 17, entitled "An act to enable the owners of wet lands to drain and reclaim them," etc., was reported back with the report of the committee recommending certain amendments, and when so amended that the same do pass.

Which was placed on file without reading.

Mr. Donham, from the committee on federal relations, reported Senate Bill No. 352, entitled "An act to discourage the keeping, owning and harboring of unlicensed dogs," etc., with the report of the committee recommending its indefinite postponement.

Which was placed on file without reading.

Mr. Mercer, from the committee on rights and privileges, reported Senate Bill No. 227, entitled "A bill for an act to authorize township trustees to transfer money from one specific fund in their hands to another, in certain cases," etc., with the report of the committee recommending that the bill lie on the table.

Which was placed on file without reading.

Mr. Winterbotham, from the committee on rights and privileges, reported Senate Bill No. 338, entitled "An act for the protection of wild game," etc., with the report of the committee recommending the passage of the bill.

Which was placed on file without reading.

Mr. Leeper asked leave to withdraw Senate Bill No. 141.

Which was granted.

Mr. Sarnighausen, from the committee on rights and privileges of the inhabitants of the State, reported Senate Bill No. 103, entitled "An act to authorize cities to construct and maintain and operate water works," etc., with the report of the committee recommending certain amendments, and when so amended that the same do pass.

Which was placed on file without reading.

Mr. Sarnighausen, from the committee on rights and privileges, reported Senate Bill No. 333, entitled "An act in relation to the muzzling of dogs," etc., with the report of the committee recommending its passage.

Which was placed on file without reading.

Mr. Kramer reported Senate Bill No. 308, entitled "An act supplementary and amendatory of an act to provide for the uniform assessment of property, and the return and collection of taxes," etc., with the report of the committee recommending certain amendments, and when so amended that the bill do pass.

Which was placed on file without reading.

Mr. Traylor, from the committee on county and township business, reported Senate Bill No. 362, entitled "An act to amend section 1 of the act for the relocation of county seats and the erection of public buildings," etc., with the report of the committee recommending the indefinite postponement of the bill.

Which was placed on file without reading.

Mr. Ragan, from the committee on county and township business, reported Senate Bill No. 322, entitled "A bill to legalize a contract made and entered into on the 12th day of March, 1870, by and between the board of county commissioners of White county," etc., with the report of the committee recommending that it be indefinitely postponed.

Which was placed on file without reading.

Mr. Wood, from the committee on railroads, reported Senate Bill No. 43, entitled "An act to exempt the wages of laborers from garnishment," etc., with the report of the committee, recommending that the bill do pass.

Which was placed on file without reading.

Mr. Wood, from the committee on railroads, reported Senate Bill No. 56, entitled "An act to amend section 175 of the practice act," etc., with the report of the committee recommending the passage of the bill.

Which was placed on file without reading.

Mr. Mercer, from the sanitary committee, reported Senate Bill No. 179, entitled "An act to establish a State board of health," etc., with the report of the committee recommending that the bill do pass, after certain amendments.

Which was placed on file without reading.

The Senate adjourned.

AFTERNOON SESSION.

FEBRUARY 7, 1879.

Senate reassembled at 2 o'clock P. M., Lieutenant-Governor Gray in the chair.

Mr. Dice moved that Senate Bill No. 179 be returned to the sanitary committee.

Which was agreed to.

On motion of Mr. Harris, Senate Bill No. 277 was taken up.

Mr. Wood presented a petition.

Which was referred to the committee on railroads without reading.

Also, a petition relating to intoxicating liquors.

Which was referred to the committee on temperance.

Mr. Garrigus presented a petition.

Which was referred to the committee on corporations.

Mr. Comstock presented a petition.

Which was referred to the committee on temperance.

Mr. Wilson presented a petition.

Which was referred to the committee on rights and privileges.

Also, a petition.

Which was referred to the committee on roads.

The question recurring on the consideration of Senate Bill No. 277, in relation to interest, on motion of Mr. Harris section 3 was adopted.

Mr. Kramer offered the following amendment:

Insert in line 5 of section 4, after the word "interest," "over six per cent."

Mr. Wilson offered the following substitute:

Strike out all of said section 4 after the word "for," in line 5, and insert in lieu thereof the following: "The person so contracting for such excessive and usurious interest shall forfeit all interest, and whenever interest has been reserved or paid beyond eight per cent., interest paid or reserved may be recouped by the debtor or recovered back in any action brought therefor."

Which was rejected.

The amendment offered by Mr. Kramer was then agreed to, and on motion of Mr. Burrell section 4 as amended was adopted.

Mr. Streight moved to strike out section 5.

Which was rejected.

Mr. Wilson moved to amend by striking out the word "lawful," in line 4, and insert the word "six" in lieu thereof.

Which was agreed to.

Section 5, as amended, was then adopted.

On motion, section 6 was adopted.

On motion of Mr. Viehe, section 7 was adopted.

Mr. Viehe moved to strike out section 8.

Messrs. Reeve and Olds demanded the ayes and noes.

Which being ordered and taken, resulted as follows:

Those who voted in the affirmative were: Senators Burrell, Coffey, Comstock, Davis, Dice, Donham, Garrigus, Grubbs, Harris, Heilman, Kahlo, Kent, Kramer, Major, Moore, Peterson, Poindexter, Ragan, Reiley, Sarnighausen, Taylor, Traylor, Treat, Trusler, Urmstan, Viehe, Weir, Wilson, Winterbotham and Wood—30.

Those who voted in the negative were: Senators Cadwallader, Langdon, Mercer, Olds, Reeve, Smith and Streight—7.

The motion was agreed to.

Mr. Dice moved to amend section 9 to read as follows:

Sec. 9. All acts on the subject of interest are hereby repealed, but this repeal shall not affect existing contracts nor the right to defend for excessive interest, as is now provided by law.

The motion was rejected.

Mr. Viehe moved that section 9 be adopted.

Which was agreed to.

The question being on the adoption of the bill as a whole.

The ayes and noes were ordered and taken, resulting as follows:

Those who voted in the affirmative were: Senators Burrell, Cadwallader, Coffey, Comstock, Davis, Dice, Donham, Garrigus, Grubbs, Harris, Heilman, Kahlo, Kent, Kramer, Langdon, Leeper, Major, Mercer, Moore, Olds, Peterson, Poindexter, Ragan, Reeve,

Reiley, Sarnighausen, Smith, Taylor, Traylor, Treat, Trusler, Urmstan, Viehe, Wier, Wilson, Winterbotham and Wood—37.

Senator Streight, voting in the negative.

The bill as a whole was adopted.

Mr. Langdon moved for a suspension of the constitutional rule, that the bill be read the third time now and put upon its passage.

A constitutional provision requiring the ayes and noes, they were ordered and taken, resulting as follows:

Those who voted in the affirmative were: Senators Burrell, Cadwallader, Coffey, Comstock, Davis, Dice, Donham, Garrigus, Grubbs, Harris, Heilman, Kahlo, Kent, Langdon, Leeper, Major, Mercer, Moore, Olds, Peterson, Poindexter, Ragan, Reeve, Reiley, Sarnighausen, Shirk, Smith, Taylor, Traylor, Treat, Trusler, Urmstan, Viehe, Wier, Wilson, Winterbotham and Wood—37.

Those who voted in the negative were: Senators Kramer and Streight—2.

The rule was suspended.

The bill was then read the third time and put on its passage.

The question being, shall the bill pass?

The ayes and noes were ordered and taken, resulting as follows:

Those who voted in the affirmative were: Senators Burrell, Cadwallader, Coffey, Comstock, Davis, Dice, Donham, Garrigus, Grubbs, Harris, Heilman, Kahlo, Kent, Kramer, Langdon, Leeper, Major, Mercer, Moore, Olds, Peterson, Poindexter, Ragan, Reeve, Reiley, Sarnighausen, Smith, Taylor, Traylor, Treat, Trusler, Urmstan, Viehe, Wier, Wilson, Winterbotham and Wood—37

Senator Streight voting in the negative.

The bill passed.

The title was then read and ordered to stand approved by the Senate.

Mr. Sarnighausen moved to take up Senate Bill No. 136, entitled "An act to regulate the use of human bodies for the purpose of dissection, to require a record thereof to be kept, and to prevent the unlawful possession or dissection of such bodies, and the violation of graves."

Which was agreed to.

Senate Bill No. 136, was then taken up and read the second time,

with the report of the committee recommending its passage after certain amendments, and that 200 copies be printed.

The report of the committee was concurred in.

Mr. Grubbs offered the following amendment to section 7, by adding after the word "therein," in line 4, the words "or any part thereof."

Which was adopted.

Mr. Langdon moved to amend section 1 by inserting in line 2 after the words "or college," the words "or incorporated medical association."

Which was adopted.

Mr. Reeve moved that wherever in the bill the words medical school or college occur the same shall be followed by the words "or incorporated medical association."

Which was adopted.

Mr. Mercer offered the following amendment:

Amend section 3 in line 1, strike out the word "dissect," and add "permit to be dissected."

Which was rejected.

Mr. Viehe offered the following amendment:

Amend by adding after the word "dissect," in line 1, section 3, the words "or permit to be dissected."

Which was agreed to.

Mr. Urmstan offered the following amendment:

"Amend section 2 by inserting the words "or members of the incorporate medical association," after the word "college," in line 2.

Which was rejected.

Mr. Harris moved that in every place where the word "building" occurs insert thereafter the words "or rooms."

Which was agreed to.

Mr. Leeper offered the following amendment:

That the word "by" be inserted before the words "incorporated medical association," in line two.

Which was rejected.

Mr. Garrigus offered the following amendment:

That whenever the words "human body or bodies" occur in this act, the sections containing the said words "human body or bodies"

be amended by inserting the words "or any part thereof," immediately after the word "body" therein.

Which was adopted.

The bill was then ordered engrossed.

Mr. Coffey moved to take up House joint resolution in reference to the employment by the doorkeeper of the House of Thomas McDaniel to regulate the ventilation and temperature of the building.

Which was agreed to.

On motion of Mr. Streight it was referred to the committee on finance.

Mr. Burrell offered the following resolution:

Resolved, That the Auditor of State be requested to furnish the Senate, without delay, for the benefit of the committee on finance, a complete list of all claims filed in his office for which no appropriation has been made, with the name of each claimant and the amount of each claim, and a statement of the evidence of the correctness of said claims.

Mr. Kramer offered the following amendment:

Resolved, That the Auditor of State be required to ascertain from the several county clerks of this State the exact amount yet due for services as special judges, and he shall report to this body the exact amount yet due from the State on or before the 15th of February, 1879.

Which was rejected.

The resolution was then adopted.

Mr. Streight offered the following resolution:

Resolved, That the committee on the judiciary be and they are hereby instructed to inquire into the propriety of granting the school board of the city of Indianapolis the right to erect and maintain a building for the use of the public library of said city on that piece or parcel of ground situated in the said city of Indianapolis known as the Governor's Circle.

Which was laid on the table.

Mr. Langdon, by request, introduced Senate Bill No. 364, entitled "An act to vacate and sell a portion of the public square in the town of Fremont, Steuben county, in this State, and declaring an emergency."

Read the first time and referred to the committee on roads.

Mr. Harris moved to take up Senate Bill No. 131, entitled "An

act for the creation of police judges," etc., that it be read the second time.

Mr. Langdon moved to lay the motion on the table.

Which was agreed to.

Mr. Peterson introduced Senate Bill No. 365, entitled "An act to amend section 3 and repeal section 4 of an act entitled an act for the relief of the Lye Creek Draining Association, approved March 10, 1873."

Read the first time and referred to the committee on county and township business.

Leave of absence was granted to Mr. Olds until Thursday night, and to Mr. Wood until Wednesday evening.

Mr. Kahlo introduced Senate Bill No. 366, entitled "A bill giving laborers and mechanics a first and prior lien upon any property owned by their employers, whether the same be a corporation or individual, and providing a mode of enforcing the same."

Read the first time and referred to the committee on the judiciary.

Mr. Kramer introduced Senate Bill No. 367, entitled "An act supplementary and amendatory of an act entitled an act to provide for a uniform assessment of property, and for the collection and return of taxes thereon, approved December 21, 1872, approved March 8, 1873, providing that all insurance companies doing business in this State, under the laws of this State, shall keep an account with their agents of all the business transacted in every county of this State in which they are doing business, prescribing duties of insurance agents, and fixing penalties for the violation thereof, prescribing duties of county treasurers in connection therewith, and fixing his fees for the same."

Read the first time and referred to the committee on insurance.

Mr. Leeper moved the previous question on the motion to concur in the report of the committee, and that the bill be ordered engrossed.

Which was agreed to.

The Senate adjourned.

(Approved.)

ISAAC P. GRAY,
President of the Senate.

SATURDAY MORNING.

FEBRUARY 8, 1879.

The Senate met at 10 o'clock, A. M., with Senator Reiley in the chair.

The session was opened with prayer by the Rev. Mr. Hinkle, of the New Church.

The Journal of yesterday was being read when, on motion of Mr. Comstock, the further reading was dispensed with.

The Chair laid before the Senate the following communication from the Governor:

Gentlemen of the Senate:

I have this day approved and signed Senate Enrolled Bill No. 32, entitled "An act to allow to the judiciary committee of the Senate and House of Representatives of the State of Indiana each a separate clerk, especially for the business before them, repealing all conflicting acts, and declaring an emergency," and have caused it to be deposited in the office of the Secretary of State.

JAMES D. WILLIAMS.

Governor's Office, February 7, 1879.

Mr. Shirk presented a petition from citizens of Henry county, praying for a reduction in the rates of toll on gravel roads.

Which was read and referred to the committee on roads.

Also, a memorial from the Western Yearly Meeting of Friends.

Which was read and referred to the committee on prisons.

Mr. Ragan presented a memorial from the Pioneer Association.

Which was referred to the committee on education.

Mr. Grubbs moved that the vote by which Senate Bill No. 119 was ordered engrossed be reconsidered.

Which was agreed to, and the bill referred to the committee on the organization of courts.

Mr. Trusler presented a memorial from the Indiana Horticultural Society.

Which was read and referred to the committee on rights and privileges.

Also a petition from the State Board of Agriculture.

Which was read and referred to the committee on rights and privileges.

Mr. Moore, from the committee on corporations, reported Senate Bill No. 353, entitled "An act supplemental to an act concerning trusts," etc., with the report of the committee recommending its passage.

Which was placed on file without reading.

Mr. Tarleton, from the committee on agriculture, reported Senate Bill No. 294, entitled "An act to encourage the destruction of chicken hawks and declaring an emergency," with the report of the committee recommending that it be indefinitely postponed.

Which was placed on file without reading.

Mr. Tarlton, from the committee on agriculture, reported Senate Bill No. 306, entitled "An act to better protect sheep," etc., with the report of the committee recommending that it be indefinitely postponed.

Which was placed on file without reading.

Mr. Viehe, from the committee on the judiciary, reported Senate Bill No. 268, with the report of the committee recommending that it do pass.

Which was placed on file without reading.

Mr. Weir, from the committee on rights and privileges of the inhabitants of the State, reported Engrossed House Bill No. 140, entitled "An act legalizing the annexation of lands and lots to the city of Terre Haute," etc., with the report of the committee recommending its passage.

Which was placed on file without reading.

Mr. Viehe moved that Engrossed House Bill No. 140, be taken up and read the second time.

Which was agreed to.

Engrossed House Bill No. 140 was then read the second time, together with the report of the committee recommending that the same do pass, and the report of the committee concurred in.

The following message was received from the House by the Clerk thereof:

MR. PRESIDENT:

I am directed by the Speaker of the House to inform the Senate that the House has passed Engrossed House Bill No. 14, entitled "An act to amend section 1 of an act entitled an act to provide for the incorporation of any public or private cemetery," etc.

And the same is herewith transmitted to the Senate.

Mr. Winterbotham, from the committee on finance, reported as follows:

MR. PRESIDENT:

Your committee on finance, to which was referred House Concurrent Resolution, for the payment of an additional employe, have had the same under consideration and instruct me to report it back with the recommendation that it do pass.

Mr. Viehe offered the following amendment:

Resolved, further, That the action of the Senate in purchasing Revised Statutes, for the use of the members thereof, is also ratified, but the Statutes shall be the property of the State, and the President of the Senate is authorized to draw his warrant for the same.

The resolution, as amended, was then adopted.

Mr. Grubbs, from the committee on the organization of courts, reported back Senate Bill No. 119, with certain amendments, and the report of the committee, recommending its passage as amended.

Which was placed on file without reading.

Mr. Cadwallader moved that when the Senate adjourn, it be until Monday, at two o'clock.

Which was agreed to.

Mr. Viehe, from the special committee, reported Senate Bill No. 14, entitled "An act legalizing an annexation of platted territory to the city of Logansport, by resolution of the Common Council, of May 5, 1870, and the annexation to said city of contiguous territory, by proceedings before the Board of Commissioners of Cass county, of June 13, 1870, and establishing the limits of the city of Logansport," with the report of the committee, recommending its passage, after certain amendments.

Which was placed on file without reading.

Mr. Winterbotham, from the committee on finances, reported Senate Bill No. 166, entitled "An act to amend sections 1 and 4 of an act entitled an act supplementary and amendatory of an act entitled an act to provide for the uniform assessment of taxes," etc.,

with the report of the committee recommending its indefinite postponement.

Which was placed on file without reading.

Mr. Ragan gave notice that on Monday he would move to change the rule of the Senate fixing the meeting hour at 10 o'clock to read 9 o'clock.

Mr. Streight introduced Senate Bill No. 368, entitled "An act regulating the transportation of freight on and over railroads, and matters properly connected therewith.

Read the first time and referred to the committee on railroads.

Mr. Wilson, by request of Mr. Hart, introduced Senate Bill No. 369, entitled "An act to amend section 315 of an act to revise, simplify and abridge the rules of practice, pleadings and forms in civil cases in courts of this State," etc.

Read the first time and referred to the committee on the judiciary.

Mr. Grubbs introduced Senate Bill No. 370, entitled "An act to amend section 527 of the code."

Read the first time and referred to the committee on the judiciary.

Mr. Fowler introduced Senate Bill No. 371, entitled "An act concerning the transportation of freight and passengers over railroads within this State, repealing all laws in conflict therewith, prescribing penalties for the violation thereof and declaring an emergency."

Read the first time and referred to the committee on railroads.

Mr. Winterbotham introduced Senate Bill No. 372, entitled "An act to provide for the redemption of property of non-residents after the same has been sold for taxes by any city, town or county treasurer of the State of Indiana."

Read the first time and referred to the committee on railroads.

Mr. Winterbotham introduced Senate Bill No. 373, entitled "A bill for an act providing for a board of state engineers, prescribing their duties and other matters connected therewith."

Read the first time and referred to the committee on rights and privileges.

Mr. Poindexter, by request, introduced Senate Bill No. 374, entitled "An act to alter or amend the charter of the town of Clarksville," etc.

Read the first time and referred to the committee on corporations.

Mr. Davis introduced Senate Bill No. 375, entitled "An act to

authorize counties of the State of Indiana to adopt John T. Campbell's road system, and providing such amendments thereto as will make the provisions applicable to less than all the counties of the State, providing the manner of adopting the same, repealing conflicting laws and limiting the amount to be paid for copyright."

Read the first time and referred to the committee on the judiciary.

Mr. Dice, by request, introduced Senate Bill No. 376, entitled "An act to provide the statutes of the State of Indiana for justices of the peace."

Read the first time and referred to the committee on county and township business.

Mr. Comstock moved to reconsider the vote by which Senate Bill No. 280 was ordered engrossed.

Which was agreed to.

Mr. Comstock then offered the following amendment:

I move to amend section 1 by striking out the word "five" in line 11 of said section, and insert instead thereof the word "two."

Which was agreed to, and the bill as amended was then ordered engrossed.

Mr. Langdon, by request, introduced Senate Bill No. 377, entitled "An act to amend section 782 of the practice act."

Read the first time and referred to the committee on the judiciary.

Mr. Coffey, by request, introduced Senate Bill No. 378, entitled "An act to legalize the official acts of the several boards of trustees of the town of Elizabethtown, Bartholomew county, Indiana, and all other officers of said corporation under an act for the incorporation of towns, defining their powers, providing for the election of the officers thereof and declaring their duties, approved June 11, 1852, and all by-laws, rules, regulations and proceedings adopted in pursuance thereof."

Read the first time, and referred to the committee on corporations.

Mr. Garrigus moved that Senate Bill No. 17, relating to levees, dykes, ditches and drains, be taken up.

Which was agreed to.

The bill was taken up and the report of the committee read.

On motion of Mr. Reeve, further consideration was postponed until Monday, and two hundred copies ordered printed.

Leave of absence was obtained for Mr. Burrell until Monday at noon.

Also, for the committee on reformatory institutions until Monday night.

The Senate adjourned.

(Approved.)

ISAAC P. GRAY,
President of the Senate.

MONDAY AFTERNOON.

FEBRUARY 10, 1879.

The Senate met at 2 o'clock P. M., with Senator Burrell in the chair.

The session was opened with prayer by the Rev. J. H. McCullough, of Plymouth Congregational Church.

Mr. Kent moved that the reading of the Journal be dispensed with.

Which was agreed to by consent.

Mr. Kent moved that the Senate proceed to the consideration of Senate Bill No. 17, in reference to drainage, etc., it being the special order of the hour.

Which was agreed to.

Mr. Kent moved that the report of the committee be concurred in.

Leave of absence was asked and obtained for Mr. Moore until Thursday noon.

Mr. Menzies moved to postpone the further consideration of Senate Bill No. 17 until to-morrow at 10 o'clock.

Which was not agreed to.

Mr. Kent moved to postpone the further consideration of the bill until Monday next at 2 o'clock P. M.

Which was agreed to.

On motion of Mr. Benz, the Senate adjourned.

(Approved.)

ISAAC P. GRAY,
President of Senate.

TUESDAY MORNING.

FEBRUARY 11, 1879.

The Senate met at 10 o'clock A. M., Lieutenant-Governor Gray in the chair.

The session was opened with prayer by the Rev. Myron W. Reed, of the Presbyterian Church.

The Journal of yesterday was read and approved.

Mr. Harris moved that bills on second reading be taken up.
Which was agreed to.

Mr. Fowler offered the following resolution:

WHEREAS, It has become necessary for the committee on benevolent and reformatory institutions to have certain persons, records and papers before them to enable them to make such investigation and examination as are required of them; therefore be it

Resolved, That said committee be and they are hereby authorized and empowered to send for such persons, records and papers as they may desire.

Mr. Fowler offered the following resolution:

Resolved, That the President of the Board of Commissioners for the Insane Asylum, the Deaf and Dumb Institute and Blind Asylum, the trustees for the Reformatory for Women and Girls, the trustees of the House of Refuge for juvenile offenders, the trustees for the Orphans' Home, near Knightstown, be and they are hereby requested to furnish the following information to the Senate, at their earliest convenience, to-wit: The number of employes in each institution, their occupation and compensation, how paid, whether on the warrant of the Auditor of State or otherwise, what relatives, if any, of the president of the board of benevolent institutions, commissioners for the same, trustees and superintendents of said institutions, are employed therein, and all other persons kept, boarded or lodged in and about said institutions, or any of them, who are not employed therein; and that said reports contain a separate statement for each institution for the last two years separately, and that the Secretary of this Senate furnish each of said parties with a copy of this resolution.

Which was adopted.

Senate Bill No. 1, entitled "An act providing for the assessing and appraising of property for taxation, for the collection of taxes, and the manner of accounting for the same," etc., was taken up, and, on motion of Mr. Harris, the report of the committee, recommending that the bill do lie on the table, was concurred in.

Senate Bill No. 10, entitled "An act entitled an act fixing the mileage and per diem of the members of the General Assembly, and prescribing the pay of the officers thereof," was taken up.

Mr. Harris moved that it do lie on the table, without reading.
Which was agreed to.

Senate Bill No. 11, entitled "An act fixing the compensation of employes of the General Assembly, repealing laws and parts of laws conflicting with the same," etc., was taken up, and the report of the committee, recommending that it do lie on the table, was concurred in, without reading.

Senate Bill No. 12, entitled "An act concerning the trial of civil causes in the circuit and superior courts of the State," was taken up and read the second time, with the report of the committee, recommending its passage.

On motion of Mr. Harris, the report of the committee was concurred in and the bill ordered engrossed.

Senate Bill No. 13, entitled "An act relating to contempts of courts, and providing for the trial and punishment thereof," was taken up, with the report of the committee, recommending that it do lie on the table.

On motion of Mr. Harris, the report was concurred in, without reading.

Senate Bill No. 14, entitled "An act legalizing an annexation of platted territory to the city of Logansport by resolution of the common council of May 5, 1870, and the annexation to said city of contiguous territory by proceedings before the board of commissioners of Cass county, June 13, 1870, and establishing the limits of the city of Logansport."

Which was read the second time, with the report of the committee recommending that all of the bill be stricken out after the title and new matter be substituted.

Mr. Hefron moved to recommit the bill and report of the committee to the committee on the judiciary.

Which was not agreed to.

The question recurring on concurring in the report of the committee.

Messrs. Reeve and Burrell demanded the ayes and noes.

Which being ordered and taken resulted as follows:

Those who voted in the affirmative were: Senators Briscoe, Cadwallader, Coffey, Comstock, Davenport, Davis, Dice, Donham, Foster, Fowler, Garrigus, Grubbs, Harris, Heilman, Kahlo, Kramer, Langdon, Major, Mercer, Reiley, Sarnighausen, Shaffer, Shirk, Streight, Taylor, Traylor, Treat, Urmstan, Viehe, Wilson, Winterbotham and Woollen—32.

Those who voted in the negative were: Senators Benz, Burrell, Hefron, Leeper, Menzies, Peterson, Ragan, Reeve, Smith, Tarlton, Trusler and Weir—12.

The report of the committee was concurred in, and the substitute numbered 379 was read the first time and referred to the committee on corporations.

Mr. Burrell moved that the substitute reported by the committee be referred to the committee on corporations.

Mr. Hefron moved to amend by inserting committee on the judiciary.

Which was not agreed to.

The motion of Mr. Burrell was then agreed to.

On motion of Mr. Briscoe the Senate adjourned.

AFTERNOON SESSION.

FEBRUARY 11, 1879.

The Senate reassembled at 2 o'clock P. M. Lieutenant-Governor Gray in the chair.

Mr. Fowler moved to suspend the order of business for the purpose of offering a resolution.

Which was agreed to.

Mr. Fowler gave the following notice:

The Senate will take notice that I will, on Thursday, the 13th day of February, 1879, at 10 o'clock A. M. of said day, move to amend rule 15 of the standing rules of the Senate, so that said rule will read as follows:

"No Senator shall speak more than twice on the same question, without leave of the Senate, nor more than once until every member choosing to speak shall have spoken, and no Senator shall speak more than ten minutes upon any proposition without leave of the Senate."

Mr. Langdon gave the following notice:

I hereby give notice that I shall, on Thursday, the 13th day of February, A. D. 1879, move to amend the rules and orders for the government of the Senate as follows:

Amend rule forty-nine so as to read:

"49. No standing rule or order of the Senate shall be rescinded or changed without one day's notice being given of the motion therefor, nor shall any rule be suspended except by a vote of at least two-thirds of the members thereof."

Mr. Foster introduced the following resolution:

WHEREAS, The *Journal* of this city, on the morning of the 7th inst., contained serious charges against D. D. Dale, now acting as Secretary of the Senate, and which, if true, renders said Dale ineligible to any office of trust or profit, as section 10 of the constitution of the State of Indiana expressly declares; and

WHEREAS, Certain Senators on this floor believe D. D. Dale to be unworthy the confidence of this Senate, and not fit to hold the high position to which he was elected, viz., Secretary of the Senate; therefore be it

Resolved, That the following named Senators, Foster, Woollen and Harris, be authorized to investigate the charges against D. D. Dale, also inquire into the standing and character of the man generally, and be empowered to send for persons, papers, administer oaths and report the result of such investigation to the Senate at the earliest moment practicable.

Mr. Viehe moved that the resolution be laid upon the table.

The question being on the motion to lay on the table, the ayes and noes were demanded by Messrs. Foster and Benz, and being ordered resulted as follows:

Those who voted in the affirmative were: Senators Benz, Briscoe, Burrell, Coffey, Davis, Donham, Fowler, Hefron, Kramer, Leeper,

Major, Menzies, Peterson, Reiley, Sarnighausen, Tarlton, Traylor, Urmstan, Viehe, Weir, Winterbotham and Woollen—22.

Those who voted in the negative were: Senators Cadwallader, Comstock, Davenport, Dice, Foster, Garrigus, Grubbs, Harris, Heilman, Kahlo, Langdon, Mercer, Ragan, Reeve, Shaffer, Shirk, Streight, Taylor, Treat, Trusler and Wilson—21.

The motion to lay on the table was agreed to.

The Senate resuming the general order, Senate Bill No. 19, entitled "An act to create the forty-third judicial circuit," etc., was taken up with the report of the committee recommending that it be indefinitely postponed.

On motion of Mr. Viehe the report of the committee was concurred in.

Senate Bill No. 20, entitled "A bill concerning married women, giving them power to execute contracts and make defences to the same, providing for and defining their power and control over their separate real and personal property, and matters connected therewith," was taken up with the report of the committee recommending that it be indefinitely postponed.

On motion of Mr. Grubbs the report of the committee was concurred in.

Senate Bill No. 16, entitled "An act in reference to changes of venue in cases of preliminary examination for felonies before justices of the peace and other committing officers," was taken up with the report of the committee recommending its passage after certain amendments.

The report of the committee was concurred in and the bill ordered engrossed.

Senate Bill No. 22, entitled "An act to legalize and make valid the acts and proceedings of the board of trustees in the town of New Haven, in Allen county, and of other towns in the State incorporated under the general laws of the State for the incorporation of towns," etc., was taken up with the report of the committee recommending its passage after certain amendments.

On motion of Mr. Foster the report of the committee was concurred in, and the bill ordered engrossed.

Senate Bill No. 23, entitled "An act to legalize the acts of the common council and of the mayor of the town of Huntington, Huntington county, Indiana," etc.

Was taken up with the report of the committee recommending its passage.

Mr. Trusler moved to refer the bill and report of the committee to the committee on the judiciary.

Which was rejected.

The question recurring on the motion to concur in the report of the committee, Messrs. Trusler and Burrell demanded the ayes and noes, which being ordered and taken resulted as follows:

Those who voted in the affirmative were: Senators Briscoe, Cadwallader, Coffey, Davenport, Davis, Dice, Donham, Fowler, Garrigus, Grubbs, Harris, Heilman, Kahlo, Kramer, Langdon, Major, Menzies, Peterson, Poindexter, Reiley, Shaffer, Shirk, Streight, Treat, Urmstan and Winterbotham—26.

Those who voted in the negative were: Senators Benz, Burrell, Comstock, Hefron, Leeper, Mercer, Ragan, Reeve, Smith, Tarlton, Trusler, Weir and Wilson—13.

The report of the committee was concurred in.

Mr. Shaffer moved that the bill be engrossed.

Which was agreed to.

Senate Bill No. 25 entitled "An act to amend section 1 of an act entitled an act providing for the election and appointment of supervisors of highways and prescribing certain of their duties, and those of county and township officers in relation thereto, and repealing all laws in conflict."

Was taken up with the report of the committee recommending its passage after certain amendments.

Mr. Trusler moved that the bill and report do lie on the table.

Which was agreed to.

Senate Bill No. 28, entitled "An act providing for the liability of married women on their contracts and obligations as dealers or merchants, and for work and improvements on their real estate," was taken up.

On motion of Mr. Harris the bill and report of the committee was laid on the table without reading.

Senate Bill No. 31, entitled "An act regulating the interest upon the loan or forbearance of money, goods or things in action, and to repeal certain acts or laws," was taken up.

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Mr. Foster asked leave to withdraw the bill.

Which was agreed to.

Senate Bill No. 33, entitled "An act to amend section 1 of an act entitled an act to provide for township elections, and repealing laws inconsistent therewith, approved March 3, 1877," etc., was taken up with the report of the committee recommending that it be indefinitely postponed.

Mr. Heilman demanded the previous question.

Which was seconded by the Senate.

The question being on concurring in the report of the committee.

The ayes and noes were demanded by Messrs. Hefron and Foster, which being ordered and taken resulted as follows :

Those who voted in the affirmative were: Senators Benz, Burrell, Coffey, Davis, Dice, Donham, Fowler, Garrigus, Grubbs, Heilman, Kahlo, Langdon, Leeper, Major, Mercer, Peterson, Poindexter, Reeve, Reiley, Shaffer, Streight, Tarlton, Taylor, Treat, Trusler, Urmstan, Viehe, Weir and Woollen—29.

Those who voted in the negative were: Senators Briscoe, Cadwallader, Comstock, Davenport, Foster, Harris, Hefron, Kramer, Menzies, Ragan, Sarnighausen, Shirk, Smith, Traylor and Winterbotham—15.

The report of the committee was concurred in.

On motion of Mr. Briscoe, Senate Bill No. 10, in relation to the pay of members and employes of the Senate, was taken from the table and read the second time.

The majority and minority reports of the committee were read.

Mr. Fowler moved that the whole matter be indefinitely postponed.

The ayes and noes were demanded by Messrs. Dice and Fowler. Which being ordered and taken, resulted as follows :

Those who voted in the affirmative were: Senators Burrell, Coffey, Davis, Donham, Fowler, Grubbs, Hefron, Kramer, Leeper, Major, Menzies, Mercer, Poindexter, Reeve, Sarnighausen, Shaffer, Smith, Streight, Tarlton, Treat, Trusler, Urmstan and Viehe—23.

Those who voted in the negative were: Senators Benz, Briscoe, Cadwallader, Comstock, Davenport, Dice, Foster, Garrigus, Harris, Heilman, Kahlo, Langdon, Peterson, Ragan, Shirk, Taylor, Traylor, Weir, Wilson, Winterbotham and Woollen—21.

The bill was indefinitely postponed.

Mr. Grubbs moved that Senate Bill No. 34, entitled "An act providing for voluntary assignments of real and personal property, in trust, for the benefit of creditors, by insolvents, and regulating the mode of administering the same, prescribing in what manner, and in what cases, a discharge may be granted to such insolvent, and repealing all laws in conflict with the provisions of this act," be taken from the table.

Which was agreed to, and, on his motion, the bill was ordered read by sections.

Section 1 was read and adopted.

Section 2 was read.

Mr. Woollen moved to refer the bill to a special committee of three lawyers, with instruction to make it a basis for a change of the present assignment law, leaving out the feature providing for a discharge.

Mr. Reeve moved to amend by adding: "And the special committee is directed to report what defects, if any, exist in the present assignment law."

Mr. Foster moved to lay the whole matter on the table, and that it be made the special order for Friday, at 10 o'clock A. M.

Which was agreed to.

The Senate adjourned.

(Approved.)

ISAAC P. GRAY,
President of the Senate.

WEDNESDAY MORNING.

FEBRUARY 12, 1879.

Senate met at 10 o'clock, Lieutenant-Governor Gray in the chair.

The session was opened with prayer by the Rev. Jones, of the Sixth Street M. E. Church.

The Journal of yesterday was read and approved.

The Lieutenant-Governor laid before the Senate a communication from the Auditor of State, with a schedule of the names of persons

acting as special judges, with the amounts due them for such services, and for the payment of which the appropriation heretofore made has been exhausted, etc.

Which was referred to the committee on finance.

Mr. Fowler introduced Senate Bill No. 380, entitled "An act to provide for the government of the Hospital for the Insane, and providing for the admission of persons thereto both curable and incurable."

Read the first time and referred to the committee on benevolent and reformatory institutions.

This being Wednesday, the regular order of business being bills on third reading, Senate Bill No. 6, entitled "An act legalizing the acknowledgements of all deeds, mortgages and other instruments required to be recorded, taken and certified by notaries public, who took and certified such acknowledgments after the expiration of their commission," was taken up and read the third time.

The question being, shall the bill pass?

The ayes and noes were ordered, and being taken resulted as follows:

Those who voted in the affirmative were: Senators Benz, Briscoe, Cadwallader, Coffey, Davenport, Davis, Dice, Donham, Foster, Fowler, Garrigus, Grubbs, Harris, Hart, Hefron, Heilman, Kahlo, Kramer, Langdon, Leeper, Major, Menzies, Mercer, Peterson, Poindexter, Ragan, Reeve, Reiley, Sarnighausen, Shaffer, Shirk, Smith, Streight, Tarlton, Taylor, Traylor, Treat, Trusler, Viehe, Weir, Wilson, Winterbotham and Woollen—43.

Those who voted in the negative were: Senators Burrell and Comstock—2.

The bill passed.

On motion of Mr. Harris the title was amended so as to read as follows: "An act legalizing the acknowledgment and recording of certain instruments."

Leave of absence was asked and obtained for Mr. Kent until Saturday.

Mr. Sarnighausen moved that Senate Bill No. 136, entitled "An act to regulate the use of human bodies for the purpose of dissection, to require a record thereof to be kept and to punish the unlaw-

ful possession or dissection of such bodies and the violation of graves, be taken up and read the third time.

Which was agreed to.

The bill having been read the third time the question being, shall the bill pass?

The ayes and noes were ordered and taken resulting as follows:

Those who voted in the affirmative were: Senators Burrell, Cadwallader, Coffey, Comstock, Davenport, Davis, Dice, Donham, Foster, Garrigus, Grubbs, Harris, Hart, Hefron, Heilman, Kahlo, Kramer, Langdon, Leeper, Menzies, Mercer, Peterson, Poindexter, Ragan, Reeve, Reiley, Sarnighausen, Shaffer, Shirk, Smith, Tarlton, Taylor, Traylor, Treat, Trusler, Urmstan, Viehe, Weir, Wilson, Winterbotham and Wøllen—41.

Those who voted in the negative were: Senators Benz, Briscoe, Fowler and Major—4.

The bill passed.

The title was then read and ordered to stand approved.

On motion of Mr. Winterbotham, Senate Bill No. 54, entitled "An act to fix the number of Senators and Representatives and to apportion the same among the counties of this State was referred to the committee on legislative apportionment.

Senate Bill No. 9, entitled "An act to promote the science of medicine and surgery by providing methods whereby human subjects for anatomical and scientific dissection and experiment may be lawfully obtained, and prescribing penalties for violation thereof."

Was taken up and read the third time.

The question being, shall the bill pass?

Mr. Foster demanded the previous question, which was seconded by the Senate.

The main question being, shall the bill pass?

The ayes and noes were ordered and taken, resulting as follows:

Those who voted in the affirmative were: Senators Burrell, Comstock, Foster, Garrigus, Grubbs, Harris, Hefron, Heilman, Kahlo, Langdon, Menzies, Mercer, Peterson, Ragan, Reeve, Reiley, Sarnighausen, Shaffer, Shirk, Streight, Tarlton, Taylor, Urmstan, Viehe, Weir, Wilson, Winterbotham and Woollen—28.

Those who voted in the negative were; Senators Benz, Briscoe,

Cadwallader, Coffey, Davenport, Davis, Dice, Donham, Fowler, Hart, Kramer, Leeper, Major, Poindexter, Smith, Traylor, Treat and Trusler—18.

The bill passed.

The title of the bill was then read and approved.

Mr. Reeve moved that two hundred copies of Senate Bill No. 278, entitled "An act to prevent empiricism and quackery in the practice of medicine," be printed.

Which was agreed to.

Senate Bill No. 12, entitled "An act concerning the trial of civil causes in the circuit and superior courts of this State."

Was taken up and read the third time.

The question being, shall the bill pass?

The ayes and noes were ordered and taken resulting as follows:

Those who voted in the affirmative were: Senators Briscoe, Cadwallader, Coffey, Comstock, Davenport, Davis, Dice, Donham, Fowler, Garrigus, Grubbs, Harris, Hebron, Heilman, Kahlo, Kramer, Langdon, Leeper, Major, Menzies, Peterson, Poindexter, Ragan, Reeve, Reiley, Sarnighausen, Shirk, Smith, Streight, Tarlton, Taylor, Traylor, Urmstan, Viehe, Weir, Wilson, Winterbotham and Woollen—38.

Those who voted in the negative were: Senators Benz, Burrell, Foster, Hart, Treat and Trusler—6.

The bill passed.

The title was then read and approved by the Senate.

Senate Bill No. 16, entitled "An act in reference to changes of venue in cases of preliminary examination for felonies before justices of the peace and other committing officers."

Was taken up and read the third time.

The question being, shall the bill pass?

The ayes and noes were ordered and taken and resulted as follows:

Those who voted in the affirmative were: Senators Benz, Briscoe, Burrell, Cadwallader, Coffey, Comstock, Davenport, Davis, Dice, Donham, Foster, Fowler, Garrigus, Grubbs, Harris, Hart, Hebron, Heilman, Kahlo, Kramer, Langdon, Leeper, Major, Menzies, Peterson, Poindexter, Ragan, Reeve, Reiley, Sarnighausen, Shirk,

Smith, Streight, Tarlton, Taylor, Traylor, Treat, Trusler, Urmstan, Viehe, Weir, Wilson, Winterbotham and Woollen—44.

No one voting in the negative.

The bill passed.

The title was then read and ordered to stand approved.

Senate Bill No. 22, entitled "An act to legalize the acts of the board of trustees of the town of New Haven, in Allen county, and of other towns in the State incorporated under the general laws of the State for the incorporation of towns, in the levy and assessment of taxes for town and other purposes for the years 1874, 1875, 1876, 1877, 1878," was taken up and read the third time.

The question being, shall the bill pass?

The ayes and noes were ordered, and being taken resulted as follows:

Those who voted in the affirmative were: Senators Benz, Briscoe, Cadwallader, Coffey, Comstock, Davenport, Davis, Dice, Donham, Foster, Fowler, Garrigus, Grubbs, Harris, Hefron, Heilman, Kramer, Langdon, Leeper, Menzies, Peterson, Poindexter, Reiley, Sarnighausen, Shirk, Smith, Streight, Tarlton, Taylor, Traylor, Urmstan, Viehe, Weir, Wilson, Winterbotham and Woollen—37.

Those who voted in the negative were: Senators Burrell, Hart, Ragan, Reeve and Trusler—5.

The bill passed.

The title was then read and ordered to stand approved.

Mr. Burrell moved that the report of the committee on Senate Bill No. 209, in relation to appeals from boards of commissioners in cases concerning the location or removal of county seats, recommending that the bill be referred to the committee on the judiciary, be concurred in.

Which was agreed to.

The Senate adjourned.

AFTERNOON SESSION.

FEBRUARY 12, 1879.

The Senate reassembled at 2 o'clock P. M. Lieutenant-Governor Gray in the chair.

Senate Bill No. 23, entitled "An act to legalize the acts of the common council and of the mayor of the city of Huntington, Huntington county, Indiana, and all other officers of said corporation, under an act to amend section 5 of an act to incorporate the town of Huntington, approved March 7, 1873, and declaring an emergency."

Was taken up and read the third time.

The question being, shall the bill pass?

The ayes and noes were ordered, and taken, resulting as follows:

Those who voted in the affirmative were: Senators Briscoe, Cadwallader, Coffey, Davenport, Davis, Dice, Donham, Fowler, Garrigus, Grubbs, Harris, Hart, Heilman, Kahlo, Kramer, Langdon, Major, Mercer, Peterson, Poindexter, Reiley, Shaffer, Shirk, Streight, Taylor, Traylor, Urmstan, Viehe, Weir, Winterbotham and Woollen—31.

Those who voted in the negative were: Senators Benz, Burrell, Comstock, Hefron, Ragan, Smith, Tarlton and Wilson—8.

The bill passed.

The title was then read and ordered by the Senate to stand approved.

Senate Bill No. 60, entitled "An act to amend sections 6, 7, 44 and 45 of an act entitled an act to divide the State into circuits for judicial purposes, fixing the time of holding the courts therein, abolishing the courts of common pleas and transferring the business thereof to the circuit courts, and providing for the election of judges and prosecuting attorneys in certain cases, approved March 6, 1873, and providing for the transaction of business in the judicial circuits created by this act," was taken up and read the third time.

The question being, shall the bill pass?

The ayes and noes being ordered and taken resulted as follows:

Those who voted in the affirmative were: Senators Benz, Briscoe, Burrell, Cadwallader, Coffey, Comstock, Davenport, Davis, Donham, Foster, Fowler, Hart, Hefron, Kahlo, Kramer, Leeper, Major, Menzies, Peterson, Poindexter, Reiley, Sarnighausen, Streight, Tarlton, Traylor, Treat, Urmstan, Viehe, Winterbotham and Woollen—30.

Those who voted in the negative were: Senators Dice, Garrigus,

Grubbs, Harris, Heilman, Langdon, Mercer, Ragan, Shirk, Smith, Taylor, Trusler, Weir and Wilson—14.

The bill passed.

The title of the bill was then read and ordered by the Senate to stand approved.

Senate Bill No. 80, entitled "An act abolishing certain offices in cities and incorporated towns in the State of Indiana, providing for the transaction of the public business pertaining thereto and providing for the election of marshals of incorporated towns, repealing all laws and parts of laws in conflict with the provisions of this act," was taken up and read the third time.

The question being, shall the bill pass?

Mr. Burrell offered the following:

I move to recommit the bill, No. 80, with instruction to exclude all towns and cities from the operation of said law.

Mr. Reeve offered the following substitute:

I move to recommit the bill, with instructions to strike out the word "shall" wherever it relates to the election of Marshal, and where it relates to abolishing the office of Assessor, and where it relates to adopting assessment of Township Assessors, and insert the word "may."

Mr. Harris offered the following substitute:

I move to recommit the bill to a committee of one, with directions to amend the bill so as to provide that cities may abolish the office of City Assessor, and that he report at 4 P. M. to-day.

Mr. Garrigus demanded the previous question.

Which was seconded by the Senate.

The question being, shall the main question be now put?

It was so ordered by the Senate.

The question being, first on the substitute offered by Mr. Harris, the ayes and noes were demanded by Messrs. Reeve and Dice.

Which being ordered and taken, resulted as follows:

Those who voted in the affirmative were: Senators Briscoe, Cadwallader, Coffey, Davenport, Davis, Dice, Donham, Foster, Fowler, Garrigus, Harris, Hart, Heilman, Kahlo, Kramer, Leeper, Major, Peterson, Ragan, Reiley, Sarnighausen, Shaffer, Streight, Tarlton, Traylor, Urmstan, Winterbotham and Woollen—28.

Those who voted in the negative were: Senators Benz, Burrell,

Comstock, Grubbs, Hefron, Langdon, Menzies, Mercer, Poindexter, Reeve, Shirk, Smith, Taylor, Treat, Trusler, Viehe and Wilson—17.

The substitute was agreed to.

The chair appointed Mr. Harris the committee of one, to whom was referred the bill.

House Bill No. 140, entitled "An act to legalize proceedings of the city council of Terre Haute and the board of county commissioners of Vigo county, Indiana, in annexing lands to cities, under sections 85 and 86 of the general laws for the incorporation of cities," approved March 14, 1867, and declaring an emergency, was taken up and read the third time.

The question being, shall the bill pass?

The ayes and noes were ordered and taken, resulting as follows:

Those who voted in the affirmative were: Senators Benz, Briscoe, Cadwallader, Coffey, Davenport, Davis, Dice, Donham, Foster, Fowler, Garrigus, Grubbs, Harris, Hart, Hefron, Kahlo, Kramer, Langdon, Leeper, Major, Menzies, Mercer, Peterson, Poindexter, Reiley, Sarnighausen, Shaffer, Shirk, Smith, Streight, Tarlton, Taylor, Traylor, Treat, Urmstan, Viehe, Weir, Wilson, Winterbotham and Woollen—40.

Those who voted in the negative were: Senators Burrell, Comstock, Ragan, Reeve and Trusler—5.

The bill passed.

The title of the bill was then read and ordered to stand approved.

Senate Bill No. 158, entitled "An act concerning married women," was taken up and read the third time.

The question being, shall the bill pass?

The ayes and noes were ordered and taken, resulting as follows:

Those who voted in the affirmative were: Senators Briscoe, Cadwallader, Coffey, Comstock, Davenport, Davis, Dice, Donham, Foster, Fowler, Garrigus, Grubbs, Harris, Hart, Hefron, Heilman, Kahlo, Kramer, Langdon, Leeper, Menzies, Mercer, Peterson, Poindexter, Ragan, Reeve, Reiley, Sarnighausen, Shaffer, Shirk, Smith, Streight, Taylor, Traylor, Treat, Trusler, Urmstan, Viehe, Weir, Wilson, Winterbotham and Woollen—42.

Those who voted in the negative were: Senators Benz, Burrell, Major and Tarlton—4.

The bill passed.

The title was then read, and ordered by the Senate to stand approved.

Senate Bill No. 280, entitled "An act supplemental to an act to establish public libraries, approved February 16, 1852, defining the powers and duties of township trustees in relation to libraries established for the use and benefit of all of the inhabitants of a township by private donations," was taken up and read the third time.

The question being, shall the bill pass?

The ayes and noes were ordered, resulting as follows:

Those who voted in the affirmative were: Senators Benz, Burrell, Cadwallader, Coffey, Comstock, Davenport, Davis, Dice, Donham, Foster, Fowler, Garrigus, Grubbs, Harris, Hart, Hefron, Heilman, Kahlo, Kramer, Langdon, Leeper, Major, Menzies, Mercer, Peterson, Poindexter, Ragan, Reeve, Reiley, Sarnighausen, Shaffer, Shirk, Smith, Streight, Tarlton, Taylor, Traylor, Treat, Trusler, Urnstan, Viehe, Weir, Wilson, Winterbotham and Woollen—45.

Senator Briscoe voting in the negative.

The bill passed.

The title was then read, and ordered by the Senate to stand approved.

The following message was received from the House by the Clerk thereof:

MR. PRESIDENT:

I am directed by the Speaker of the House of Representatives to inform the Senate that he has signed Enrolled Senate Concurrent Resolution No. 2.

Also, that he has signed Enrolled Senate Concurrent Resolution No. 7.

Also, that he has signed Enrolled Senate Act No. 51, entitled "An act fixing the times of holding circuit courts in the eleventh judicial circuit of the State of Indiana, prescribing the length of terms thereof, and repealing all laws in conflict herewith, and declaring an emergency."

Also, that he has signed Enrolled Senate Act No. 4, entitled "An act to repeal an act entitled an act to establish a superior court in

and seventeenth sections of an act entitled an act to authorize aid to the construction of railroads by counties and townships, etc., approved March 17, 1875."

Read the first time and referred to the committee on railroads.

Mr. Burrell introduced Senate Bill No. 383, entitled "An act to regulate insurance companies."

Read the first time and referred to the committee on insurance.

Mr. Menzies introduced Senate Bill No. 384, entitled "An act creating a board for the settlement of debts and claims due the State from counties for arms, munitions of war and ordnance stores, supplied to such counties by the State, and not paid or accounted for, providing for their compensation, and declaring an emergency."

Read the first time and referred to the committee on military affairs.

Mr. Fowler introduced Senate Bill No. 385, entitled "An act to establish a board of State charities and defining its duties."

Read the first time and referred to the committee on reformatory institutions.

Mr. Streight introduced Senate Bill No. 386, entitled "An act to provide for the care and custody of orphan and abandoned children, and matters connected therewith."

Read the first time and referred to the committee on benevolent institutions.

The following message was received from the House by the Clerk thereof:

MR. PRESIDENT:

I am directed by the Speaker to inform the Senate that the House has passed Engrossed House Bill No. 9, entitled "An act to regulate the setting of corner stones and monuments in public highways."

And the same is herewith transmitted to the Senate for its action thereon.

The Senate adjourned.

(Approved.)

ISAAC P. GRAY,
President of the Senate.

THURSDAY MORNING.

FEBRUARY 13, 1879.

The Senate met at 10 o'clock. Lieutenant-Governor Gray in the chair.

The session was opened with prayer by Prof. R. T. Brown.

The Journal of yesterday was read, corrected and approved.

The following message was received from the House by the Clerk thereof:

MR. PRESIDENT:

I am directed by the Speaker of the House to inform the Senate that the House has passed engrossed House Bill No. 7, entitled "An act regulating the working of coal mines and declaring a lien upon the works and machinery for work and labor in mining coal and for royalty on coal, and providing penalty for the violation thereof, and providing for the appointment and qualification of mine inspector, and prescribing his duties and declaring an emergency."

Also, that the House has passed engrossed House Bill No. 17, entitled "An act to repeal an act entitled an act to authorize aid to the construction of railroads by counties and townships taking stock in and making donations to railroad companies, approved May 12, 1869, and the several acts supplemental thereto," and the same is herewith transmitted to the Senate.

On motion of Mr. Kramer, Senate Bill No. 268, entitled "An act to fix the time of holding courts in the second judicial circuit of the State of Indiana, prescribing the length of terms thereof, repealing all laws in conflict therewith, and declaring an emergency," was taken up and read the second time, with the report of the committee.

Which was agreed to.

The bill was read the second time, the report of the committee concurred in, and the bill ordered engrossed.

Mr. Kramer moved that the bill be considered engrossed, read the third time, and put upon its passage.

The question being on the suspension of the rules, a constitutional provision requiring the ayes and noes, they were ordered and taken, resulting as follows:

Those who voted in the affirmative were: Senators Briscoe, Cadwallader, Coffey, Comstock, Davenport, Davis, Dice, Donham, Fowler, Grubbs, Harris, Hart, Hefron, Heilman, Kahlo, Kramer, Langdon, Leeper, Major, Mercer, Moore, Peterson, Reeve, Reiley, Shaffer, Shirk, Smith, Streight, Tarlton, Taylor, Traylor, Treat, Trusler, Urmstan, Viehe, Weir, Wilson, Winterbotham, Wood and Woollen—40.

Those who voted in the negative were: Senators Benz, Burrell, Foster, Garrigus and Sarnighausen—5.

The motion was agreed to.

Senate Bill No. 268 was then read the third time.

The question being, shall the bill pass?

The ayes and noes were ordered and taken, resulting as follows:

Those who voted in the affirmative were: Senators Briscoe, Burrell, Cadwallader, Coffey, Comstock, Davenport, Davis, Dice, Donham, Foster, Fowler, Garrigus, Grubbs, Harris, Hart, Hefron, Heilman, Kahlo, Kramer, Langdon, Leeper, Major, Menzies, Mercer, Moore, Peterson, Ragan, Reeve, Reiley, Sarnighausen, Shaffer, Shirk, Smith, Streight, Tarlton, Taylor, Traylor, Treat, Trusler, Urmstan, Viehe, Weir, Wilson, Winterbotham, Wood and Woollen—46.

Senator Benz voting in the negative.

The bill passed.

The title was then read, and ordered by the Senate to stand approved.

Mr. Dice, from the committee on corporations, reported Senate Bill No. 379, entitled "An act legalizing an annexation of platted territory to the city of Logansport, by resolution of the Common Council, of May 5, 1870, and the annexation to said city of contiguous territory, by proceeding before the Board of Commissioners of Cass county, of June 30, 1870, and establishing the limits of the city of Logansport," with the report of the committee recommending its passage.

On motion of Mr. Dice, the report of the committee was concurred in.

Mr. Dice moved that the constitutional rule be suspended, the bill read the second and third times, and put upon its passage.

A constitutional provision requiring the ayes and noes upon the motion to suspend the rules, they were ordered and taken, resulting as follows:

Those who voted in the affirmative were: Senators Benz, Briscoe, Cadwallader, Coffey, Comstock, Davenport, Davis, Dice, Donham, Foster, Fowler, Garrigus, Grubbs, Harris, Hart, Hefron, Heilman, Kahlo, Kramer, Langdon, Leeper, Major, Menzies, Mercer, Moore, Peterson, Poindexter, Reiley, Sarnighausen, Shaffer, Smith, Streight, Tarlton, Taylor, Traylor, Treat, Trusler, Urmstan, Viehe, Weir, Wilson, Winterbotham, Wood and Woollen—44.

Those who voted in the negative were: Senators Ragan, Reeve and Shirk—3.

The motion was agreed to.

Senate Bill No. 379 was then read the second time by title only, the third time by sections.

The question being, shall the bill pass?

The ayes and noes were ordered and taken, resulting as follows:

Those who voted in the affirmative were: Senators Benz, Briscoe, Cadwallader, Coffey, Comstock, Davenport, Davis, Dice, Donham, Foster, Fowler, Garrigus, Grubbs, Harris, Hart, Hefron, Heilman, Kahlo, Kramer, Langdon, Leeper, Major, Mercer, Moore, Peterson, Poindexter, Reiley, Sarnighausen, Shaffer, Shirk, Streight, Tarlton, Taylor, Traylor, Treat, Urmstan, Viehe, Weir, Wilson, Winterbotham, Wood and Woollen—42.

Those who voted in the negative were: Senators Burrell, Menzies, Ragan, Reeve, Smith and Trusler—6.

The bill passed.

The title was then read and ordered by the Senate to stand approved.

Mr. Foster moved to suspend the order of business that his resolution, offered yesterday in reference to certain charges against D. D. Dale, be taken from the table, and that he have leave to offer a substitute therefor.

The question being on the motion to suspend the order of business, the ayes and noes were demanded by Messrs. Streight and Foster, which being ordered and taken resulted as follows:

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Those who voted in the affirmative were: Senators Burrell, Cadwallader, Coffey, Comstock, Davenport, Davis, Dice, Donham, Foster, Garrigus, Grubbs, Harris, Heilman, Langdon, Mercer, Moore, Ragan, Reiley, Shaffer, Shirk, Smith, Streight, Tarlton, Taylor, Traylor, Treat, Trusler, Weir, Wilson, Winterbotham, Wood and Woollen—32.

Those who voted in the negative were: Senators Benz, Briscoe, Fowler, Hart, Hefron, Kramer, Leeper, Major, Menzies, Peterson, Poindexter, Reeve, Sarnighausen, Urmstan and Viehe—15.

The motion to suspend was agreed to.

Mr. Foster offered the following substitute:

WHEREAS, The *Indianapolis Journal* did, on the morning of the 7th inst., contain serious charges against D. D. Dale, Secretary of this Senate, and believing that no harm can come from an honest and thorough investigation of this matter, therefore be it

Resolved, That a committee of three be appointed, who shall have power to send for persons, papers and administer oaths, to investigate said charges and report the result of such investigation to the Senate at the earliest moment practicable.

Mr. Foster asked leave to withdraw the original resolution.

Which was objected to.

Mr. Fowler moved that the whole matter be indefinitely postponed, and on that motion demanded the previous question.

Which was not seconded by the Senate.

Mr. Foster moved that an article in the *Indianapolis Journal* be read.

Mr. Reeve moved to lay the motion on the table.

Messrs. Foster and Trusler demanded the ayes and noes, which being ordered and taken resulted as follows:

Those who voted in the affirmative were: Senators Benz, Briscoe, Burrell, Coffey, Davis, Donham, Fowler, Hart, Hefron, Kramer, Leeper, Major, Menzies, Peterson, Reeve, Reiley, Sarnighausen, Tarlton, Traylor, Urmstan, Viehe, Winterbotham, Wood, Woollen and Mr. President—25.

Those who voted in the negative were: Senators Cadwallader, Comstock, Davenport, Dice, Foster, Garrigus, Grubbs, Harris, Heilman, Kahlo, Langdon, Mercer, Moore, Poindexter, Ragan,

Shaffer, Shirk, Smith, Streight, Taylor, Treat, Trusler, Weir and Wilson—24.

The motion to lay on the table was agreed to.

The question recurring on the motion to indefinitely postpone.

The ayes and noes were demanded by Messrs. Foster and Garigus.

Pending the demand for the ayes and noes, Mr. Foster asked and obtained leave to withdraw the resolution.

Mr. Harris presented a petition from the citizens of Marion county, asking that laws be passed reducing the number of civil courts in the county and abolishing the criminal court thereof, as a means of relief to the tax-payers.

Which was referred to the committee on the organization of courts.

Mr. Briscoe presented a statement from officers of Vanderburg county in relation to fees and salaries.

Which was referred to the committee on fees and salaries.

Mr. Shaffer presented a petition from citizens of Wabash county urging the passage of House Bill No. 392, entitled "An act establishing the militia of the State of Indiana."

Which was referred to the committee on military affairs.

Mr. Benz presented a petition from the citizens of Crawford county asking that an act be passed releasing the sureties on the bond of Joseph W. Brown, trustee of Sterling township, in said county, for the years 1873 and 1874.

Which was referred to the committee on county and township business.

Mr. Benz presented a number of petitions from citizens of Cass county, praying for the enactment of a temperance law.

Which were referred to the committee on temperance.

Mr. Benz presented a petition from citizens of Clark county on the subject of intoxicating liquors.

Which was referred to the committee on temperance without reading.

Mr. Wilson presented resolutions and memorial from citizens of Monroe township, Jefferson county, to decrease taxes.

Which was referred to the committee on rights and privileges.

Mr. Wilson presented a petition from citizens of Jefferson county, praying for a reduction of tolls on turnpike roads.

Which was referred to the committee on rights and privileges.

Mr. Majors presented a petition from citizens of Jasper county, on the subject of intoxicating liquors.

Which was referred to the committee on temperance.

Mr. Treat presented a petition from citizens of Monroe county, asking that the sale of intoxicating liquors be prohibited.

Which was referred to the committee on temperance.

Mr. Briscoe presented a petition from citizens of Jay county, praying for a reduction of the fees and salaries of State and county officers.

Which was referred to the committee on fees and salaries.

Mr. Moore presented a petition from citizens and tax-payers of the State in reference to taxes.

Which was referred to the committee on county and township business.

Mr. Poindexter presented a petition from the citizens of Floyd county, asking that laws be passed limiting the terms of the circuit court to three, and to enlarge the circuits.

Which was referred to the committee on the organization of courts.

Mr. Langdon offered the following: I move that rule 49 for the government of the Senate be amended so as to read as follows:

49. No standing rule or order of the Senate shall be rescinded or changed without one day's notice being given of the motion therefor; nor shall any rule be suspended, except by a vote of at least two-thirds of the members present.

Mr. Burrell moved to indefinitely postpone the motion offered by Mr. Langdon.

Messrs. Shirk and Langdon demanded the ayes and noes, which were ordered and taken resulted as follows:

Those who voted in the affirmative were: Senators Benz, Briscoe, Burrell, Coffey, Donham, Foster, Fowler, Hart, Hefron, Kramer, Leeper, Major, Menzies, Peterson, Reeve, Reiley, Sarnighausen, Streight, Tarlton, Taylor, Traylor, Treat, Urmstan, Viehe, Winterbotham, Wood and Woollen—26.

Those who voted in the negative were: Senators Cadwallader, Comstock, Davenport, Davis, Dice, Garrigus, Grubbs, Harris, Heilman, Kahlo, Langdon, Mercer, Moore, Poindexter, Ragan, Shaffer, Shirk, Smith, Taylor, Trusler, Weir and Wilson—22.

The motion was agreed to.

The Senate adjourned.

AFTERNOON SESSION.

FEBRUARY 13, 1879.

The Senate reassembled at 2 o'clock, P. M., Lieutenant-Governor Gray in the chair.

Mr. Grubbs, from the joint committee on Enrolled Bills, reported as follows:

MR. PRESIDENT:

Your joint committee on enrolled Bills would respectfully report that they have examined Enrolled House Bill No. 140, "An act to legalize certain acts of the common council of the city of Terre Haute," etc., and find the same correctly enrolled.

Mr. Fowler, from the committee on railroads, reported Senate Bill No. 198, entitled "An act prescribing certain duties of railroad companies to sound their whistles on locomotive engines at the crossing of any turnpike or other public highway," etc., with the report of the committee recommending its passage after certain amendments.

Which was placed on file without reading.

Mr. Kramer, from the committee on county and township business, reported Senate Bill No. 376, entitled "An act to provide the statutes of the State of Indiana for justices of the peace," which, with the report of the committee recommending its indefinite postponement, was placed on file without reading.

Mr. Langdon, by leave of the Senate, introduced Senate Bill No. 387, entitled "An act concerning the recording of deeds to, and mortgages on lands or property on which taxes are due and unpaid."

Read the first time, and referred to the committee on rights and privileges.

Mr. Donham, from the committee on rights and privileges, reported Senate Bill No. 147, entitled "An act to amend sections 3 and 8 of an act entitled an act to provide for the inspection of petroleum oils for illuminating purposes, marking and branding the same, prescribing penalty for selling without inspection," etc., with the report of the committee recommending its passage.

Which was placed on file without reading.

Mr. Hefron reported Senate Bill No. 27, entitled "An act to provide for the government and discipline of the State Prison," etc., with a majority report recommending its passage, and a minority report by Mr. Foster, recommending that it lie on the table.

Which was placed on file without reading.

Mr. Hefron, from the committee on the organization of courts, reported Senate Bill No. 176, entitled "An act to legalize the official acts of the board of trustees of the town of Jasper, in Dubois county, Indiana," with the report of the committee recommending its passage.

Which was placed on file without reading.

Mr. Hefron, from the committee on States' Prisons, reported a memorial from the Yearly Meeting of the Society of Friends in relation to the present prison system, recommending that it lie upon the table.

Which with the report was placed on file without reading.

Mr. Winterbotham, from the committee on finance, reported Senate Joint Resolution No. 9, entitled "A Joint Resolution instructing our Senators and Representatives to procure the enactment of a law making legal tender notes, commonly called 'Greenbacks,' subject to taxation for State, county and municipal purposes," with the report of the committee suggesting certain amendments, and when so amended recommending its passage.

Which was placed on file without reading.

Mr. Winterbotham, from the committee on finance, reported Senate Bill No. 259, entitled "An act to fix the salaries of the judges of the supreme, circuit, superior and criminal courts of this State, and to provide for the time and manner of payment," with the report of the committee recommending that it be referred to the committee on fees and salaries.

Which was placed on file without reading.

Mr. Winterbotham, from the committee on finance, reported Senate Bill No. 144, entitled "An act to repeal all laws or parts of laws now in force providing for the levy of a cash or money poll tax in this State, and declaring an emergency," with the majority report of the committee recommending its passage, and the minority report recommending its indefinite postponement.

Which was placed on file without reading.

Mr. Winterbotham, from the committee on finance, reported Sen-

ate Bill No. 261, entitled "An act to amend section 2 of an act entitled an act in relation to county auditors, approved May 31, 1852, and declaring an emergency," with the report of the committee suggesting certain amendments, and when so amended recommending its passage.

Which was placed on file without reading.

Mr. Sarnighausen, from the committee on education, reported Senate Bill No. 87, entitled "An act requiring the township, town and city assessors to make an enumeration of children, white and colored, within their respective townships, towns and cities, between the ages of six and twenty-one years, exclusive of married persons, for school purposes," etc., with the report of the committee recommending that it do lie upon the table.

Which was placed on file without reading.

Mr. Sarnighausen, from the committee on education, reported Senate Bill No. 178, entitled "An act to amend sections 16 and 34 of an act entitled an act to provide for a general system of common schools," etc., with the report of the committee suggesting certain amendments, and when so amended recommending its passage.

Which was placed on file without reading.

Mr. Sarnighausen, from the committee on education, reported Senate Bill No. 311, entitled "An act to repeal sections 11, 14, 16 and 17 of an act to create a State Normal School, etc., approved December 20, 1865, and also to repeal sections 3 and 4 of an act to amend an act entitled an act to create a State Normal School, etc., approved December 20, 1865, and adding supplemental sections, etc., and providing for certain appropriations, approved March 5, 1873, and declaring an emergency," with the report of the committee recommending that it lie upon the table.

Which was placed on file without reading.

Mr. Sarnighausen, from the committee on education, reported Senate Bill No. 363, entitled "An act to consolidate certain funds belonging to the school fund, etc., with the report of the committee recommending its passage.

Which was placed on file without reading.

Mr. Sarnighausen, from the committee on education, submitted a report on the communication of the superintendent of public instruction.

Which was read and concurred in.

Mr. Sarnighausen, from the committee on education, reported a memorial in relation to the erection of certain monuments, recommending that it lie upon the table.

The report was read and concurred in.

Mr. Woollen, from the committee on finance, reported Senate Bill No. 357, entitled "An act to repeal an act entitled an act concerning interest on money," etc., with the report of the committee recommending that it lie on the table.

Which was placed on file without reading.

Mr. Comstock, from the committee on the judiciary, reported Senate Bill No. 216, entitled "An act to amend section 1 of an act defining the crime of embezzlement and prescribing punishment therefor," with the report of the committee recommending that all after the enacting clause be stricken out and recommending the passage of a substitute.

Which was placed on file without reading.

Mr. Comstock, from the committee on the judiciary, reported Senate Bill No. 359; entitled "An act repealing section 1 of an act entitled an act to provide record books for justices of the peace, approved March 14, 1877."

Mr. Comstock, from the committee on the judiciary, reported Senate Bill No. 346, entitled "An act to repeal an act providing for change of venue," with the report of the committee recommending its passage.

Which was placed on file without reading.

Mr. Comstock, from the committee on the judiciary, reported Senate Bill No. 361, entitled "An act to repeal an act providing for giving notice of attachments, levies, etc., affecting real estate," with the report of the committee recommending its passage.

Which was placed on file without reading.

Mr. Urmstan, from the committee on finance, reported Senate Bill No. 299, entitled "An act regulating mileage and matters properly connected therewith," with the report of the committee recommending its indefinite postponement.

Which was placed on file without reading.

Mr. Viehe, from the committee on the judiciary, reported Senate Bill No. 355, entitled "An act abolishing the office of State Geologist, repealing an act creating the same, providing for transferring property to Purdue University, and declaring an emergency," with

the report of the committee recommending that it be indefinitely postponed.

Which was placed on file without reading.

Mr. Reeve, from the committee on the judiciary, reported Senate Bill No. 360, entitled "An act providing offices for justices of the peace," with the report of the committee recommending its indefinite postponement.

Which was placed on file without reading.

Mr. Grubbs, from the committee on the judiciary, reported Senate Bill No. 336, entitled "An act limiting the time of bringing of actions to recover real estate, or set aside conveyances purporting to be made by married women of unsound mind in certain cases," with the report of the committee recommending its indefinite postponement.

Which was placed on file without reading.

Mr. Grubbs, from the committee on the judiciary, reported Senate Bill No. 348, entitled "An act providing for the 'free ballot,'" with a majority report recommending that it lie on the table.

Also, a minority report by Mr. Reeve, recommending its passage.

Which was placed on file without reading.

Mr. Grubbs, from the committee on the judiciary, reported Senate Bill No. 351, entitled "An act regulating the practice of dentistry," with the report of the committee recommending that it be referred to the committee on rights and privileges of the inhabitants of the State.

Which was placed on file without reading.

Mr. Reeve submitted a minority report, recommending that it be indefinitely postponed.

Which was placed on file without reading.

Mr. Grubbs, from the committee on the judiciary, reported Senate Bill No. 356, entitled "An act relating to prosecution by affidavits," with the report of the committee suggesting certain amendments, and when so amended recommending its passage.

Which was placed on file without reading.

Mr. Menzies, from the committee on the organization of courts, reported Senate Bill No. 264, entitled "An act to provide for the making and presentation of record of claims presented to and passed upon by the General Assembly, presenting certain duties for the claims committees, their clerks and the Secretary of State," etc.,

Mr. Sarnighausen, from the committee on education, reported memorial in relation to the erection of certain monuments, recommending that it lie upon the table.

The report was read and concurred in.

Mr. Woollen, from the committee on finance, reported Senate Bill No. 357, entitled "An act to repeal an act entitled an act concerning interest on money," etc., with the report of the committee recommending that it lie on the table.

Which was placed on file without reading.

Mr. Comstock, from the committee on the judiciary, reported Senate Bill No. 216, entitled "An act to amend section 1 of an act defining the crime of embezzlement and prescribing punishment therefor," with the report of the committee recommending that, after the enacting clause be stricken out and recommending the passage of a substitute.

Which was placed on file without reading.

Mr. Comstock, from the committee on the judiciary, reported Senate Bill No. 359, entitled "An act repealing section 1 of an act entitled an act to provide record books for justices of the peace," approved March 14, 1877."

Mr. Comstock, from the committee on the judiciary, reported Senate Bill No. 346, entitled "An act to repeal an act providing for change of venue," with the report of the committee recommending its passage.

Which was placed on file without reading.

Mr. Comstock, from the committee on the judiciary, reported Senate Bill No. 361, entitled "An act to repeal an act providing for giving notice of attachments, levies, etc., affecting real estate," with the report of the committee recommending its passage.

Which was placed on file without reading.

Mr. Urmstan, from the committee on finance, reported Senate Bill No. 299, entitled "An act regulating mileage and matters properly connected therewith," with the report of the committee recommending its indefinite postponement.

Which was placed on file without reading.

Mr. Viehe, from the committee on the judiciary, reported Senate Bill No. 355, entitled "An act abolishing the office of State Geologist, repealing an act creating the same, providing for transferring property to Purdue University, and declaring an emergency," with

the report of the committee recommending that it be indefinitely postponed.

Which was placed on file without reading.

Mr. Reeve, from the committee on the judiciary, reported Senate Bill No. 360, entitled "An act providing offices for justices of the peace," with the report of the committee recommending its indefinite postponement.

Which was placed on file without reading.

Mr. Grubbs, from the committee on the judiciary, reported Senate Bill No. 336, entitled "An act limiting the time of bringing of actions to recover real estate, or set aside conveyances purporting to be made by married women of unsound mind in certain cases," with the report of the committee recommending its indefinite postponement.

Which was placed on file without reading.

Mr. Grubbs, from the committee on the judiciary, reported Senate Bill No. 348, entitled "An act providing for the 'free ballot,'" with a majority report recommending that it lie on the table.

Also, a minority report by Mr. Reeve, recommending its passage.

Which was placed on file without reading.

Mr. Grubbs, from the committee on the judiciary, reported Senate Bill No. 351, entitled "An act regulating the practice of dentistry," with the report of the committee recommending that it be referred to the committee on rights and privileges of the inhabitants of the State.

Which was placed on file without reading.

Mr. Reeve submitted a minority report, recommending that it be indefinitely postponed.

Which was placed on file without reading.

Mr. Grubbs, from the committee on the judiciary, reported Senate Bill No. 356, entitled "An act relating to prosecution by affidavits," with the report of the committee suggesting certain amendments, and when so amended recommending its passage.

Which was placed on file without reading.

Mr. Menzies, from the committee on the organization of courts, reported Senate Bill No. 264, entitled "An act to provide for the making and presentation of record of claims presented to and passed upon by the General Assembly, presenting certain duties for the claims committees, their clerks and the Secretary of State," etc.,

with the report of the committee recommending its indefinite postponement.

Which was placed on file without reading.

Mr. Menzies, from the committee on corporations, reported Senate Bill No. 347, entitled "An act to amend the charter of the city of Evansville, and to enable said city to change its corporate name to the city of Lamasco, and declaring an emergency," with the report of the committee recommending its passage.

Which was placed on file without reading.

Mr. Peterson, from the committee on roads, reported Senate Bill No. 314, entitled "An act amending the twenty-eighth section of an act authorizing the construction of plank, macadamized and graded roads, approved March 12, 1852," with the report of the committee recommending its indefinite postponement.

Which was placed on file without reading.

Mr. Peterson, from the committee on roads, reported Senate Bill No. 332, entitled "An act in relation to state and county roads and other matters connected therewith, repealing conflicting laws and declaring an emergency," with the report of the committee recommending that it lie upon the table.

Which was placed on file without reading.

Mr. Burrell, from the committee on congressional apportionment, reported Senate Bill No. 35, entitled "A bill to divide the State of Indiana into congressional districts," with the report of the committee recommending its passage after certain amendments.

Mr. Viehe reported Senate Bill No. 54, entitled "An act to change the number of the Senators and Representatives to the General Assembly of the State of Indiana, and to apportion the same among the several counties," with the report of the committee recommending its passage after certain amendments.

Mr. Burrell moved that Senate Bills Nos. 35 and 54 be taken up and read, and made the special order for to-morrow at 2 o'clock.

Mr. Streight moved to amend by inserting Tuesday at 10 o'clock.
Which was agreed to.

Mr. Viehe moved that two hundred copies of the bills be printed with the minority report.

Which was agreed to.

Mr. Hart offered the following resolution:

Resolved, That in view of the uneasiness of the taxpayers, and the general demand of the people for a reduction of fees and salaries of both State and county officers, it is the duty of the committee on fees and salaries to report a bill at the earliest practicable moment that will, in their opinion, meet the demands of the people.

Mr. Foster offered the following amendment:

Amend so as to read as follows: "As will, in their opinion, meet the demands of the people."

Which was adopted.

Mr. Reeve moved to lay the resolution on the table.

The ayes and noes were demanded by Messrs. Fowler and Harris.

Which being ordered and taken, resulted as follows:

Those who voted in the affirmative were: Senators Dice and Reeve—2.

Those who voted in the negative were: Senators Benz, Burrell, Cadwallader, Coffey, Comstock, Davenport, Davis, Donham, Foster, Fowler, Garrigus, Grubbs, Harris, Hart, Hefron, Heilman, Kahlo, Kramer, Langdon, Leeper, Major, Menzies, Mercer, Moore, Peterson, Poindexter, Ragan, Reiley, Sarnighausen, Shaffer, Shirk, Smith, Streight, Tarlton, Taylor, Traylor, Treat, Trusler, Urmstan, Viehe, Weir, Wilson, Winterbotham, Wood and Woollen—45.

The motion was rejected.

Mr. Foster's amendment was then agreed to.

The question recurring on the resolution as amended, the ayes and noes were demanded by Messrs. Harris and Burrell.

Which being ordered and taken resulted as follows:

Those who voted in the affirmative were: Senators Benz, Burrell, Cadwallader, Coffey, Comstock, Davenport, Davis, Donham, Foster, Fowler, Garrigus, Grubbs, Harris, Hart, Hefron, Heilman, Kahlo, Kramer, Langdon, Leeper, Major, Menzies, Mercer, Moore, Peterson, Poindexter, Ragan, Reiley, Sarnighausen, Shaffer, Shirk, Smith, Streight, Tarlton, Taylor, Traylor, Treat, Trusler, Urmstan, Viehe, Weir, Wilson, Winterbotham, Wood and Woollen—45.

Those who voted in the negative were: Senators Dice and Reeve—2.

The resolution was adopted.

Mr. Streight offered the following resolution:

WHEREAS, The great change in values during the last four years has rendered the last appraisalment of property unequal; therefore, be it

Resolved, That the committee on finance be and are, hereby, instructed to prepare a bill to authorize the appraisalment of property in April of this year, and every four years thereafter.

The question recurring on the adoption of the resolution, the ayes and noes were demanded by Messrs. Streight and Dice.

Which being ordered and taken resulted as follows:

Those who voted in the affirmative were: Senators Benz, Cadwallader, Coffey, Comstock, Davis, Dice, Donham, Fowler, Garrigus, Grubbs, Harris, Hart, Heilman, Kahlo, Major, Mercer, Moore, Peterson, Poindexter, Ragan, Reeve, Shaffer, Shirk, Smith, Streight, Tarlton, Taylor, Treat, Trusler, Urmstan, Weir and Wilson—32.

Those who voted in the negative were: Senators Burrell, Davenport, Foster, Hefron, Kramer, Langdon, Leeper, Reiley, Sarnighausen, Traylor, Winterbotham and Wood—12.

The resolution was adopted.

Mr. Burrell moved to take up bills on second reading.

Mr. Shirk moved to lay the motion of Mr. Burrell on the table.

The ayes and noes were demanded by Messrs. Heilman and Dice.

Which being ordered and taken, resulted as follows:

Those who voted in the affirmative were: Senators Benz, Cadwallader, Davenport, Garrigus, Heilman, Kramer, Langdon, Major, Mercer, Moore, Poindexter, Ragan, Shaffer, Shirk, Smith, Taylor, Treat, Trusler, Urmstan, Weir and Wilson—21.

Those who voted in the negative were: Senators Burrell, Comstock, Davis, Dice, Donham, Foster, Grubbs, Hart, Hefron, Kahlo, Menzies, Peterson, Reeve, Reiley, Streight, Tarlton, Traylor, Winterbotham and Wood—19.

The motion to lay on the table was agreed to.

Mr. Shaffer moved to take up the resolution to amend the rules, notice of which was given by Mr. Fowler.

The ayes and noes were demanded by Messrs. Benz and Winterbotham, which being ordered and taken resulted as follows:

Those who voted in the affirmative were: Senators Benz, Burrell, Cadwallader, Davenport, Davis, Dice, Donham, Garrigus, Hart, Heilman, Kahlo, Kramer, Leeper, Mercer, Peterson, Poindexter,

Ragan, Reiley, Shaffer, Shirk, Smith, Tarlton, Taylor, Treat, Trusler, Urmstan, Weir, Winterbotham and Wood—29.

Those who voted in the negative were: Senators Comstock, Grubbs, Hefron, Langdon, Moore, Reeve, Streight, Traylor and Wilson—9.

The motion was agreed to.

Mr. Fowler's motion to amend rule 15 of the standing rules of the Senate was taken up and read.

Mr. Reeve offered the following amendment:

Resolved, That this rule, as to time, shall apply only to such members as admit that they can not talk sense over ten minutes, which members shall furnish their names to the President, who shall call such member to order when he shall have spoken ten minutes.

The chair (Mr. Fowler) decided the amendment out of order.

Mr. Reeve appealed from the decision of the chair.

The question being, shall the decision of the chair stand as the judgment of the Senate?

The ayes and noes were ordered and taken, resulting as follows:

Those who voted in the affirmative were: Senators Benz, Cadwallader, Davis, Donham, Hart, Kahlo, Kramer, Moore, Ragan, Shaffer, Smith, Tarlton, Trusler, Urmstan, Wilson, Winterbotham, Wood and Woollen—18.

Those who voted in the negative were: Senators Burrell, Comstock, Dice, Foster, Garrigus, Grubbs, Hefron, Langdon, Leeper, Mercer, Peterson, Reeve, Reiley, Shirk, Streight, Taylor, Traylor and Treat—18.

The decision of the chair was sustained.

Mr. Reeve asked and obtained leave to withdraw his amendment.

The following message was received from the House by the Clerk thereof:

MR. PRESIDENT:

I am directed by the Speaker of the House of Representatives to inform the Senate that the House has passed Engrossed House Bill No. 340, entitled "An act to fix the number of Senators and Representatives in the General Assembly of the State of Indiana, and to apportion the same among the several counties of the State, and declaring an emergency."

And the same is herewith transmitted to the Senate for its action thereon.

I am further directed by the Speaker of the House of Representatives to inform the Senate that the House respectfully declines to concur in the amendment of the Senate to House concurrent resolution in relation to the employment of Thomas McDaniel to superintend the temperature, heating and ventilating of the House on the 12th day of January, 1879, etc., and that the House directs the appointment of a committee of conference upon the concurrent House resolution, and respectfully requests the Senate to appoint a similar committee to confer with the said House committee. The Speaker has appointed as such committee on the part of the House Messrs. March and Tulley, and said House concurrent resolution is herewith transmitted to the Senate.

Mr. Streight moved to lay the motion to amend the rules on the table.

The ayes and noes were demanded by Messrs. Trusler and Sherrill, which being ordered and taken resulted as follows:

Those who voted in the affirmative were: Senators Garrihan, Grubbs, Harris, Hebron, Langdon, Reeve, Streight, Traylor and Treat—9.

Those who voted in the negative were: Senators Benz, Burr, Cadwallader, Coffey, Comstock, Davis, Dice, Donham, Foster, Heilman, Kahlo, Kramer, Leeper, Major, Mercer, Moore, Peterson, Poindexter, Ragan, Reiley, Sarnighausen, Shaffer, Shirk, Smith, Tarlton, Taylor, Trusler, Urmstan, Viehe, Wilson, Winterbotham, Wood and Woollen—34.

The motion was not agreed to.

Mr. Winterbotham demanded the previous question. Which was seconded by the Senate.

The main question was ordered.

The question being on the motion to amend the rules, the ayes and noes were demanded by Messrs. Streight and Grubbs, which being ordered and taken resulted as follows:

Those who voted in the affirmative were: Senators Benz, Burr, Cadwallader, Coffey, Comstock, Davis, Donham, Foster, Heilman, Kahlo, Kramer, Leeper, Major, Menzies, Mercer, Moore, Peterson, Poindexter, Ragan, Reiley, Sarnighausen, Shaffer, Sh

Smith, Taylor, Trusler, Urmstan, Viehe, Wilson, Winterbotham, Wood and Woollen—33.

Those who voted in the negative were: Senators Dice, Garrigus, Grubbs, Harris, Hefron, Langdon, Reeve, Streight, Tarlton, Taylor and Treat—11.

The amendment offered by Mr. Fowler to rule 15 was adopted.

The Senate adjourned.

(Approved.)

ISAAC P. GRAY,

President of the Senate.

FRIDAY MORNING.

FEBRUARY 14, 1879.

The Senate met at 10 o'clock, Lieutenant-Governor Gray in the chair.

The session was opened with prayer by the Rev. Henry Day.

The Journal of yesterday was read and approved.

Leave of absence was asked and obtained for the committee on reformatory and benevolent institutions for the day.

Mr. Kramer, by leave of the Senate, introduced Senate Bill No. 388, on the subject of fees and salaries.

Which was referred to the committee on fees and salaries.

On motion of Mr. Harris Senate Bill No. 113, on the subject of railroads, was recommended to the committee on railroads.

On motion of Mr. Burrell, House Bill No. 340, entitled "An act apportioning the State for legislative purposes," was read, and made the special order for Tuesday, at 10 o'clock, and two hundred copies were ordered printed.

Mr. Langdon offered the following resolution:

Resolved, That the Auditor of State communicate to the Senate the names of foreign corporations that have complied with the provisions of section 6 of "An act supplementary and amendatory of an act entitled an act to provide for a uniform assessment of prop-

erty, and for the collection and return of taxes thereon, approved December 21, 1872, approved March 8, 1873," since the same have been in force; also, what, if any, measures have been taken against any such corporation for failure to comply therewith, under section 7 of said act, together with the name of the corporation, the amount received, the date thereof, the name of the attorney appearing on behalf of the State, and such other and further information on the subject of this resolution as to the Auditor shall appear proper.

Which was adopted.

Mr. Donham presented a petition from Mr. Samuel B. Goolbsch, receiver of the Wabash and Erie Canal.

Which was read and referred to the committee on claims.

Mr. Foster, from the committee on public printing, reported on Senate Bill No. 381, entitled "An act to provide for the publication of legal matters," etc., with the report of the committee, recommending its passage.

Which was read and, on motion of Mr. Foster, the report of the committee was concurred in, and the bill ordered engrossed.

The following message was received from the House by the clerk thereof:

MR. PRESIDENT:

I am directed by the Speaker of the House to inform the Senate that the House has passed Engrossed House Bill No. 135, entitled "An act to legalize the acts of the board of trustees of the incorporated town of Shelburn, Sullivan county, Indiana, in the levy and assessment of taxes for corporate purposes in all cases since the incorporation of said town, where any irregularities may exist, the acts of said trustees and other officers of said town in relation thereto, under an act for the incorporation of towns, defining their powers, and providing for the election of the officers, and declaring their duties, approved June 11, 1852, and declaring an emergency."

I am further directed by the Speaker to inform the Senate that the House has passed Engrossed House Bill No. 35, entitled "An act to amend section 64 of an act entitled an act providing for the election and qualification of justices of the peace, and defining their jurisdiction, powers and duties in civil cases, approved June 9, 1852."

I am further directed by the Speaker to inform the Senate that the House has passed Engrossed House Bill No. 141, entitled "An act to legalize the official acts of the board of trustees of the town of Booneville, Warrick county, Indiana, and all other officers."

said corporation, under the act for the incorporation of towns, defining their powers, providing for the election of the officers thereof, and declaring their duties, approved June 11, 1852, and declaring an emergency."

And the same are herewith transmitted to the Senate for its action thereon.

The chair announced the special order to be the consideration of Senate Bill No. 34, providing for voluntary assignments.

The question being on the motion of the Senator from Marshall, Mr. Reeve, to amend the motion of Mr. Woollen to refer the bill to a committee of three lawyers by adding "that the committee be instructed to report what defects, if any, exist in the present assignment law."

The motion was rejected.

The question being on the motion of Mr. Woollen.

It was also rejected.

The consideration of the bill was then resumed by the Senate.

Section 2 was read.

Mr. Grubbs offered the following amendment:

Amend section 2 by adding after the word "creditor," in line 5, the following: "Or to any person or persons liable for said debtor as indorser, surety or otherwise."

Mr. Reeve offered the following substitute for the amendment offered by Mr. Grubbs:

Strike out the words "having notice of the insolvency," in the fifth line of the second section, and insert the following after the word "creditors:" "Or to any person liable to such debtor as surety or indorser, such creditor having notice that the assignor was not the owner of sufficient property or means to pay his debt at the time and intending to obtain a preference in his own favor and prevent an equal distribution of the property under any assignment."

Mr. Kramer offered the following amendment to the substitute offered by Mr. Reeve:

"*Provided*, That the provisions of this section shall not apply where the sureties are affected by reason of being on bond of such insolvent in cases of administrations of guardianships."

Which was ruled by the chair not in order.

The question recurring on the substitute offered by Mr. Reeve
It was adopted.

The Senate adjourned.

AFTERNOON SESSION.

FEBRUARY 14, 187

Senate reassembled at 2 o'clock, Lieutenant-Governor Grant took the chair.

Mr. Comstock offered the following amendment to section 2:

Amend section 2 of said bill by striking out the word "trans" in the 1st line of said section, and inserting instead thereof the word "sale."

Which was adopted.

Senator Benz demanded a call of the Senate, which being ordered the following Senators answered to the call of their names:

Senators Benz, Briscoe, Burrell, Coffey, Comstock, Davenport, Dice, Donham, Foster, Garrigus, Grubbs, Harris, Hart, Heilman, Kahlo, Kramer, Langdon, Major, Menzies, Mercer, Moore, Peterson, Ragan, Reiley, Sarnighausen, Smith, Taylor, Trusler, Urmstan and Weir—28.

Mr. Benz moved that absentees be sent for.

Mr. Dice moved that further proceedings be dispensed with.

Which was agreed to.

The Lieutenant-Governor ordered another call of the Senate, which resulted as follows:

Senators Benz, Briscoe, Burrell, Coffey, Comstock, Davenport, Dice, Donham, Foster, Garrigus, Grubbs, Harris, Hart, Heilman, Kahlo, Kramer, Langdon, Major, Menzies, Mercer, Moore, Peterson, Ragan, Reeve, Reiley, Sarnighausen, Smith, Taylor, Traylor, Trusler, Urmstan and Weir—34.

Mr. Burrell moved that the bill under consideration be indefinitely postponed.

Messrs. Burrell and Dice demanded the ayes and noes.

Which being ordered and taken resulted as follows:

Those who voted in the affirmative were: Senators Benz, Burrell, Coffey, Donham, Foster, Garrigus, Hart, Heilman, Peterson, Reeve, Reiley and Traylor—12.

Those who voted in the negative were: Senators Briscoe, Comstock, Davenport, Dice, Grubbs, Harris, Hefron, Kahlo, Kramer, Langdon, Major, Menzies, Mercer, Moore, Ragan, Sarnighausen, Shaffer, Smith, Taylor, Trusler, Urmstan and Weir—22.

The motion to indefinitely postpone was not agreed to.

Mr. Kramer moved to amend section 2 by adding: "*Provided, That the provisions of this section shall not apply to the surety of such insolvents, where the same relates to bonds, upon administrations and guardianships.*"

Which was rejected.

Mr. Hefron moved to amend section 2 by striking out the words "of insolvency or," in line 3.

Which was agreed to.

Mr. Reeve offered the following amendment:

I move to strike out the words "and sale of personal property" in the first line.

Which was rejected.

The question recurring on the adoption of section 2, as amended, Messrs. Foster and Benz demanded the ayes and noes.

Which being ordered and taken resulted as follows:

Those who voted in the affirmative were: Senators Comstock, Davenport, Dice, Grubbs, Harris, Hefron, Heilman, Kahlo, Langdon, Major, Mercer, Moore, Poindexter, Ragan, Shaffer, Smith, Taylor, Treat, Trusler, Wilson, Winterbotham and Wood—22.

Those who voted in the negative were: Senators Benz, Briscoe, Burrell, Coffey, Davis, Donham, Foster, Garrigus, Hart, Kramer, Leeper, Menzies, Peterson, Reeve, Reiley, Sarnighausen, Traylor, Urmstan and Weir—19.

The section was adopted.

Section 3 was read.

Mr. Reeve offered the following amendment:

Amend section 3 by striking out in line 3 the words "within ten days after the execution thereof," and insert the words "be delivered immediately after it is executed and as soon as delivered shall."

The question being on the adoption of the amendment, Messrs. Wood and Dice demanded the yeas and noes, which being ordered and taken resulted as follows:

Those who voted in the affirmative were: Senators Benz, Burrell, Coffey, Davis, Donham, Foster, Garrigus, Hefron, Heilman, Leeper, Menzies, Reeve, Reiley, Taylor, Traylor, Urmstan, Weir and Wood—18.

Those who voted in the negative were: Senators Comstock, Davenport, Dice, Grubbs, Harris, Kahlo, Langdon, Major, Mercer, Moore, Peterson, Poindexter, Ragan, Treat, Trusler, Wilson and Winterbotham—17.

The amendment was agreed to.

Mr. Harris moved that section 3 as amended be adopted.

Which was agreed to.

Section 4 was then read.

Mr. Reeve move to amend as follows:

Strike out in section 4, line 1, the words "within fifteen days," and insert the word "immediately."

Which was agreed to.

The section, as amended, was then adopted.

Section 5 was read and adopted.

Section 6 was read and adopted.

Section 7 was read.

Mr. Foster moved to amend as follows:

Strike out of said section the words "printed and," wherever they occur in said section.

Which was agreed to.

The section, as amended, was adopted.

Section 8 was read.

Mr. Reeve offered the following amendment:

Add to the section: "And shall also appraise such property at a value based upon a sale on a credit, not over eighteen months, as to two-thirds of the purchase money."

Leave of absence was asked and obtained for Mr. Menzies until to-morrow.

Mr. Burrell demanded a call of the Senate, and the following Senators responded to the call of the Secretary:

Senators Benz, Briscoe, Burrell, Coffey, Comstock, Davis, Dice, Donham, Foster, Garrigus, Grubbs, Harris, Hart, Hefron, Heilman, Kahlo, Kramer, Langdon, Leeper, Major, Mercer, Moore, Peterson, Poindexter, Ragan, Reeve, Reiley, Sarnighausen, Taylor, Traylor, Treat, Trusler, Urmstan, Weir, Wilson, Wood and Woollen—37.

Mr. Burrell moved that further proceedings under the call be dispensed with.

Which was agreed to.

The question recurring on the amendment offered by Mr. Reeve, Messrs. Burrell and Reeve demanded the ayes and noes.

Which being ordered and taken, resulted as follows:

Those who voted in the affirmative were: Senators Benz, Burrell, Coffey, Davis, Donham, Foster, Garrigus, Hart, Hefron, Heilman, Kramer, Leeper, Peterson, Reeve, Reiley and Urmstan—16.

Those who voted in the negative were: Senators Briscoe, Comstock, Dice, Grubbs, Harris, Langdon, Major, Mercer, Moore, Poindexter, Ragan, Sarnighausen, Shaffer, Taylor, Traylor, Treat, Trusler, Weir, Winterbotham and Wood—21.

The amendment was rejected.

Section 8 was then adopted.

Section 9 was read and adopted.

Section 10 was read.

Mr. Foster moved to amend by striking out the words "printed and," in line four.

Which was agreed to.

Mr. Reeve moved to amend section 10 by adding after the word "credit," in the seventh line, "not over eighteen months," and strike out of the tenth line the words "twelve months," and insert after "payable," the words "such time as the court may order, not exceeding eighteen months." Strike out all in the fifteenth line after the word "and."

Which was agreed to.

Mr. Taylor offered the following amendment to section 10:

Amend section 10 by adding thereto the following: And if the judge should deem it best, he may direct the assignee to make partition of the real estate, or any part thereof, under the rules and regulations of an act entitled an act concerning the partition of lands, approved May 20, 1852.

Which was adopted.

Section 10 was then adopted.

Section 11 was read.

Mr. Reeve moved to amend by striking out of the second line words "if requested by trustee."

Which was agreed to.

Section 11 was then adopted.

Sections 12 and 13 were then adopted without reading.

Mr. Grubbs offered the following amendment to section 14:

Amend section 14 by striking out all of said section down to including the word "allow" at the beginning of line 4 of said tion, and inserting the following:

It shall be the duty of the clerk of the court to enter the es of the insolvent and the name of the trustee upon the appeara docket of the court, and the trustee whenever a claim against a insolvent shall be filed and proved with him, shall forthwith ma or cause to be made, an entry upon said appearance docket at place provided by the clerk showing the name of the creditor, character and amount of the claim, and date when the same filed with him. The trustee shall not allow any such claim un presented and proved as herein before provided, and whenever isfied of the justness of a claim, he shall note the allowance ther on the appearance docket opposite the entry of the claim.

Which was adopted.

Section 14 as amended was then adopted.

Mr. Coffey offered the following amendment to section 15, by serting after the words "order so made," in line seven, the lowing:

And if the wife of such insolvent or other person shall have inchoate estate or contingent interest in any of the property, and personal, assigned, such court shall, on petition by the assign and notice thereof to such wife or other person, ascertain and by cree declare the value of such interest, and upon payment of value thereof by such assignee to such wife or other person or i court, for their use, such inchoate estate or interest shall be dives and cease.

Which was agreed to.

The section as amended was adopted.

Section 16 was adopted without reading.

Mr. Reeve offered the following amendment to section 17:
Amend section 17 by adding after the word "him," in sixth line,
the words "which may have been allowed by the court."

Which was agreed to.

Section 17 as amended was then adopted.

Section 18 was adopted without reading.

Section 19 was adopted without reading.

Mr. Reeve offered the following amendment to section 20:

Amend by adding "and the court shall summarily enforce all
orders herein contemplated by attachment and such other order as
may be necessary.

Which was agreed to.

Section 20 as amended was then adopted.

Leave of absence was asked and obtained for Mr. Benz until
Monday morning.

Mr. Coffey offered the following amendment to section 21:

Strike out all after the word "insolvent," in line ten.

Mr. Reeve moved to strike out all of sections 21, 22, 23, 24 and
25.

Mr. Hart moved to indefinitely postpone the whole matter.

Mr. Foster moved that debate now cease on this question.

Which was agreed to.

The question recurring on the motion to indefinitely postpone.

It was not agreed to.

The question recurred on the motion of Mr. Reeve to strike out
sections 21 to 25, inclusive.

Messrs. Winterbotham and Foster demanded the ayes and noes.

Which being ordered and taken resulted as follows:

Those who voted in the affirmative were: Senators Benz, Briscoe, Burrell, Coffey, Foster, Hart, Heilman, Kramer, Leeper, Reeve, Reiley, Traylor, Urmstan and Wilson—14.

Those who voted in the negative were: Senators Comstock, Davis, Dice, Donham, Garrigus, Grubbs, Harris, Hefron, Kahlo, Langdon, Major, Mercer, Moore, Peterson, Poindexter, Ragan, Sarnighausen, Shaffer, Smith, Taylor, Treat, Trusler, Wier, Winterbotham and Wood—25.

The amendment was rejected.

The question being on the amendment offered by Mr. Coffey.
It was not agreed to.

Mr. Burrell offered the following amendment to section 21 :

"*Provided*, That such insolvent shall not be discharged more than once in every ten years from his indebtedness, as provided in this act."

Which was agreed to.

Section 21 was then adopted as amended.

Mr. Foster offered the following amendment to section 22:

Amend section 22 as follows: Strike out the words "printed and" in line 7.

Which was adopted.

Mr. Reeve offered the following amendment to section 22:

Amend section 22 by adding after the word "creditor," in the second line, the words "whose claims have been filed and proven."

Which was agreed to.

The section was then adopted as amended.

Mr. Reeve moved to amend section 23 as follows:

Strike out all allowing trial by jury.

Which was rejected.

Section 23 was then adopted.

Mr. Coffey offered the following amendment to section 24:

Amend section 24 by striking out the following after the words "debts," in line 24, "embraced in his schedule, and of the validity and justness of which proof has been filed with said trustee," and insert the following: "Which has been filed and allowed, and upon which dividends have been paid."

Which was adopted.

Section 24, as amended, was then adopted.

On motion of Mr. Burrell sections 25, 26 and 27 were adopted without reading.

Mr. Reeve offered the following substitute for section 28:

"All laws in force relating to voluntary assignments are hereby repealed where they conflict with this act, and in other respects this act shall be held as cumulative, but no proceedings now pending shall be affected by this act, but may proceed to conclusion under the law now in force."

Section 28, as amended by substitute, was then adopted.

The bill was then ordered engrossed.

Leave of absence was obtained for Mr. Peterson until Monday;
for Mr. Hefron until Tuesday.

Mr. Langdon announced that he was paired with Mr. Hefron,
during his absence, on all political questions.

Mr. Hart presented a petition from citizens of Booneville, War-
ren county, praying for the passage of an act legalizing the acts of
the board of trustees of Booneville.

Which was referred to the committee on corporations.

Leave of absence was asked and obtained for Mr. Urmston until
Monday noon.

Mr. Harris moved that Senate Bill No. 131, entitled "An act
providing for the election of a police judge in all cities of this State
organized under the general laws of this State, having a voting
population of sixteen thousand or more, as shown by the votes cast
for Governor at the last preceding election, defining his jurisdiction,
powers, term of office and how compensated, the name and
location of the court over which he presides, prescribing the mode of
procedure and practice in cases of appeals therefrom, designating
the attorney of such court, defining his duties and fixing his com-
pensation, giving the county commissioners of the county in which
the city is situated the power to fix a salary for the State Prosec-
uting Attorney of such county, to be paid by such county, repeal-
ing all laws in conflict with this act, and declaring an emergency,"
be taken from the table, considered engrossed, read a third time and
passed upon its passage.

Which was agreed to.

The bill was then read the third time.

The question being, shall the bill pass?

The ayes and noes were ordered and taken, resulting as follows:

Those who voted in the affirmative were: Senators Benz, Bur-
ton, Coffey, Comstock, Davis, Dice, Donham, Foster, Garrigus,
Hobbs, Harris, Hart, Hefron, Heilman, Kahlo, Kramer, Langdon,
Loper, Mercer, Moore, Peterson, Poindexter, Ragan, Reeve, Rei-
sach, Sarnighausen, Shaffer, Smith, Taylor, Traylor, Treat, Trusler,
Urmston, Weir, Wilson, Winterbotham and Wood—37.

Senator Briscoe voting in the negative.

The bill passed.

The title was then read and ordered by the Senate to stand proved.

Mr. Burrell offered the following resolution :

WHEREAS, It is manifest that the Doorkeeper of the Senate not with his present force properly control the doors of the gallery of the Senate chamber, etc., therefore be it

Resolved by the Senate (the House of Representatives concurring therein), That the Doorkeeper of the Senate be and he is authorized to employ one more assistant, and that such assistant shall be entitled to the same pay as is now fixed by law for assistant Doorkeeper until the same shall be provided by law, and the President of the Senate shall draw his warrant for the pay of said assistant, as in other cases.

The ayes and noes were demanded by Messrs. Trusler and Ragan, which being ordered and taken, resulted as follows :

Those who voted in the affirmative were: Senators Benz, Burrell, Davis, Foster, Hefron, Leeper, Major, Mercer, Reiley, Sarver, Shafter, Shaffer, Traylor, Treat and Winterbotham—14.

Those who voted in the negative were: Senators Briscoe, Calkins, Stock, Dice, Donham, Garrigus, Harris, Hart, Heilman, Kramer, Langdon, Moore, Peterson, Poindexter, Ragan, Smith, Taylor, Trusler and Urmstan—19.

There being no quorum present the Senate adjourned.

(Approved.)

ISAAC P. GRAY,
President of the Senate

SATURDAY MORNING.

FEBRUARY 15, 1879

The Senate met at 10 o'clock, Lieutenant-Governor Gray in the chair.

The session was opened with prayer by Prof. O. A. Burgess of Butler University.

The Journal of yesterday was being read when, on motion of Mr. Wood, the further reading of the same was dispensed with.

Mr. Wood, from the committee on railroads, reported Senate Bill No. 382, entitled "A bill for an act to amend the first and fourteenth sections of an act entitled an act authorizing aid to railroads by counties and townships, approved May 12, 1869, and to amend an act approved March 17, 1875," with the report of the committee commending its passage.

Mr. Davis moved that the bill be read the second time.
Which was agreed to.

Mr. Reeve moved that the bill be recommitted.
Which was agreed to.

Mr. Shirk introduced Senate Bill No. 389, entitled "An act to amend the thirteenth section of an act entitled an act authorizing the construction of plank, macadamized and gravel roads, approved May 12, 1852."

Read the first time and referred to the committee on rights and privileges.

Mr. Winterbotham reported Senate Bill No. 387, entitled "An act concerning the recording of deeds and mortgages of lands or property on which taxes are due and unpaid," with the report of the committee recommending its passage.

Which was placed on file without reading.

Mr. Reeve introduced Senate Bill No. 390, entitled "An act to prevent live stock from running at large, and prescribing penalties and repealing all acts inconsistent therewith."

Read the first time and referred to the committee on the judiciary.

Mr. Heilman introduced Senate Bill No. 391, entitled "An act to amend section 2 of an act entitled an act to amend an act entitled an act to provide for a general system of common schools, the officers thereof, and their respective powers and duties, and matters properly connected therewith," etc.

Read the first time and referred to the committee on education.

Mr. Dice introduced Senate Bill No. 392, entitled "An act legalizing the practice of circuit courts in calling causes for issue and entering judgments on the first day of the term, and declaring an emergency."

Read the first time and referred to the committee on the judiciary.

Mr. Reeve, from the committee on the judiciary, reported Senate Bill No. 195, entitled "An act providing for the redemption of real

estate sold on final judgments and decrees, and fixing the rights of the parties and lien-holders therein made, and modifying conflicting laws, cumulative to the laws in force," with a majority report suggesting certain amendments, and when so amended recommending its passage, and a minority report suggesting certain amendments and when so amended recommending its passage.

Which were placed on file without reading.

Mr. Reeve moved that two hundred copies of the bill as it will be when amended by the report of the majority, be printed; also, that two hundred copies of the amendments suggested by the minority report be printed on the same sheets as the majority.

Mr. Streight moved to take up bills on second reading.

Mr. Sarnighausen moved to amend by allowing committees to report first.

The ayes and noes were demanded by Messrs. Wilson and Garrigus, which being ordered and taken resulted as follows:

Those who voted in the affirmative were: Senators Briscoe, Burrell, Coffey, Donham, Fowler, Hart, Menzies, Mercer, Ragland, Reeve, Reiley, Sarnighausen, Smith, Tarlton, Traylor, Treat, Trullinger, Weir, Winterbotham, Wood, Woollen and Mr. President—21.

Those who voted in the negative were: Senators Cadwallader, Comstock, Davenport, Davis, Dice, Foster, Garrigus, Grubbs, Harris, Heilman, Kahlo, Kramer, Langdon, Leeper, Moore, Poindexter, Shaffer, Shirk, Streight, Viehe and Wilson—21.

The motion was agreed to.

Mr. Winterbotham, from the committee on rights and privileges, reported back a petition from the State Board of Agriculture, with the report of the committee recommending that it lie on the table.

Also, a petition from citizens of Jefferson county in reference to the reduction of tolls on turnpikes, etc., with the report of the committee recommending that it be referred to the committee on roads.

Which was placed on file without reading.

Mr. Winterbotham, from the committee on finance, reported Senate Bill No. 266, entitled "An act relative to the salary of superintendent of Public Instruction, providing for the manner of paying the same, repealing all laws in conflict therewith, and declaring emergency," with the report of the committee recommending that it be referred to the committee on fees and salaries.

Which was read and placed on file.

Mr. Viehe, from the committee on the judiciary, reported Senate Bill No. 132, entitled "An act relating to the collection of debts and prevent sham defence," etc., with the report of a majority of the committee recommending its passage after certain amendments.

Which was placed on file without reading.

Mr. Viehe, from the committee on the judiciary, reported Senate Bill No. 377, entitled "An act to amend section 782 of the practice act," with the report of the committee recommending its passage.

Which was placed on file without reading.

Mr. Burrell, from the committee on the judiciary, reported Senate Bill No. 344, entitled "An act to provide for the transfer from justices of the peace to the circuit courts of certain cases therein named," with the report of the committee recommending its passage after certain amendments.

Which was placed on file without reading.

Mr. Burrell, from the committee on the judiciary, reported Senate Bill No. 369, entitled "An act to amend section 315 of an act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State," etc., with the report of the committee recommending that it do lie on the table.

Which was placed on file without reading.

Mr. Grubbs, from the committee on the judiciary, reported Senate Bill No. 288, entitled "An act to amend the practice act," with the report of the committee recommending its passage, after certain amendments.

Which was placed on file without reading.

Mr. Harris, from the committee on the judiciary, reported Senate Bill No. 24, entitled "An act to enforce the attendance of witnesses who have been subpoenaed," etc., with the report of the committee, Mr. Burrell dissenting, recommending that it lie on the table.

Which was placed on file without reading.

Mr. Harris, from the committee on the judiciary, reported Senate Bill No. 70, entitled "An act to amend section 1 of the act entitled an act providing for the redemption of real property, approved June 1861," with the report of the committee recommending that it lie on the table.

Which was placed on file without reading.

Mr. Harris, from the committee on the judiciary, reported Senate

Bill No. 284, entitled "An act to exempt property from sale," with the report of the committee recommending that it lie on the table.

Which was placed on file without reading.

Mr. Harris, from the committee on the judiciary, reported Senate Bill No. 298, entitled "An act providing for the recording of mortgages," with the report of the committee recommending that it lie upon the table.

Which was placed on file without reading.

Mr. Sarnighausen, from the committee on education, reported Senate Bill No. 239, entitled "An act providing for and requiring children from eight to fourteen years of age to attend school or be instructed at home at least fourteen weeks in each year, providing penalties for the violation thereof, and other matters pertaining thereto, with the report of the committee recommending its passage as amended.

Which was placed on file without reading.

Mr. Menzies, from the committee on corporations, reported Senate Bill No. 258, entitled "An act to legalize the acts of the board of commissioners of Allen county and the acts of the common council of the city of Fort Wayne, in its annexation of certain lands and territory to the limits of the city of Fort Wayne, in said county," with the report of the committee recommending its passage.

Which was placed on file without reading.

Mr. Fowler, from the committee on benevolent institutions, reported Senate Bill No. 380, entitled "An act to provide for the government of the Hospital for the Insane, and providing for the admission of persons thereto both curable and incurable," with the report of the committee recommending its passage.

Which was placed on file without reading.

Mr. Traylor, from the committee on military affairs, reported Senate Bill No. 205, entitled "An act to provide against unjust charges by surgeons and physicians for services rendered, and to prevent excessive charges by farmers for produce raised by them, and to declare certain contracts in relation thereto void," with the report of the committee recommending its indefinite postponement.

Which was placed on file without reading.

Mr. Donham, from the committee on rights and privileges, reported Senate Bill No. 40, entitled "An act to amend section 1

The title was then read and ordered by the Senate to stand as approved.

Mr. Burrell offered the following resolution :

WHEREAS, It is manifest that the Doorkeeper of the Senate cannot with his present force properly control the doors of the gallery of the Senate chamber, etc., therefore be it

Resolved by the Senate (the House of Representatives concurring therein), That the Doorkeeper of the Senate be and he is authorized to employ one more assistant, and that such assistant shall be entitled to the same pay as is now fixed by law for assistant Doorkeeper until the same shall be provided by law, and the President of the Senate shall draw his warrant for the pay of said assistant, as in other cases.

The ayes and noes were demanded by Messrs. Trusler and Ragan, which being ordered and taken, resulted as follows :

Those who voted in the affirmative were: Senators Benz, Burrell, Davis, Foster, Hefron, Leeper, Major, Mercer, Reiley, Sarni, hausen, Shaffer, Traylor, Treat and Winterbotham—14.

Those who voted in the negative were: Senators Briscoe, Constock, Dice, Donham, Garrigus, Harris, Hart, Heilman, Kahl, Kramer, Langdon, Moore, Peterson, Poindexter, Ragan, Smith, Taylor, Trusler and Urmstan—19.

There being no quorum present the Senate adjourned.

(Approved.)

ISAAC P. GRAY,
President of the Senate.

SATURDAY MORNING.

FEBRUARY 15, 1879.

The Senate met at 10 o'clock, Lieutenant-Governor Gray in the chair.

The session was opened with prayer by Prof. O. A. Burgess, Butler University.

The Journal of yesterday was being read when, on motion of Mr. Wood, the further reading of the same was dispensed with.

Mr. Wood, from the committee on railroads, reported Senate Bill No. 382, entitled "A bill for an act to amend the first and fourteenth sections of an act entitled an act authorizing aid to railroads by counties and townships, approved May 12, 1869, and to amend an act approved March 17, 1875," with the report of the committee recommending its passage.

Mr. Davis moved that the bill be read the second time.

Which was agreed to.

Mr. Reeve moved that the bill be recommitted.

Which was agreed to.

Mr. Shirk introduced Senate Bill No. 389, entitled "An act to amend the thirteenth section of an act entitled an act authorizing the construction of plank, macadamized and gravel roads, approved May 12, 1852."

Read the first time and referred to the committee on rights and privileges.

Mr. Winterbotham reported Senate Bill No. 387, entitled "An act concerning the recording of deeds and mortgages of lands or property on which taxes are due and unpaid," with the report of the committee recommending its passage.

Which was placed on file without reading.

Mr. Reeve introduced Senate Bill No. 390, entitled "An act to prevent live stock from running at large, and prescribing penalties and repealing all acts inconsistent therewith."

Read the first time and referred to the committee on the judiciary.

Mr. Heilman introduced Senate Bill No. 391, entitled "An act to amend section 2 of an act entitled an act to amend an act entitled an act to provide for a general system of common schools, the officers thereof, and their respective powers and duties, and matters properly connected therewith," etc.

Read the first time and referred to the committee on education.

Mr. Dice introduced Senate Bill No. 392, entitled "An act legalizing the practice of circuit courts in calling causes for issue and entering judgments on the first day of the term, and declaring an emergency."

Read the first time and referred to the committee on the judiciary.

Mr. Reeve, from the committee on the judiciary, reported Senate Bill No. 195, entitled "An act providing for the redemption of real

The question recurring on the substitute offered by Mr. Reeve.
It was adopted.

The Senate adjourned.

AFTERNOON SESSION.

FEBRUARY 14, 1879.

Senate reassembled at 2 o'clock, Lieutenant-Governor Gray
the chair.

Mr. Comstock offered the following amendment to section 2:

Amend section 2 of said bill by striking out the word "transfer"
in the 1st line of said section, and inserting instead thereof the words
"sale."

Which was adopted.

Senator Benz demanded a call of the Senate, which being ordered,
the following Senators answered to the call of their names:

Senators Benz, Briscoe, Burrell, Coffey, Comstock, Davenport,
Dice, Donham, Foster, Garrigus, Grubbs, Harris, Hart, Hefner,
Heilman, Kahlo, Kramer, Langdon, Major, Menzies, Mercer, Moore,
Peterson, Ragan, Reiley, Sarnighausen, Smith, Taylor, Traylor,
Trusler, Urmstan and Weir—28.

Mr. Benz moved that absentees be sent for.

Mr. Dice moved that further proceedings be dispensed with.
Which was agreed to.

The Lieutenant-Governor ordered another call of the Senate,
which resulted as follows:

Senators Benz, Briscoe, Burrell, Coffey, Comstock, Davenport,
Dice, Donham, Foster, Garrigus, Grubbs, Harris, Hart, Hefner,
Heilman, Kahlo, Kramer, Langdon, Major, Menzies, Mercer,
Moore, Peterson, Ragan, Reeve, Reiley, Sarnighausen, Shaffner,
Smith, Taylor, Traylor, Trusler, Urmstan and Weir—34.

Mr. Burrell moved that the bill under consideration be indefinitely
postponed.

Messrs. Burrell and Dice demanded the ayes and noes.
Which being ordered and taken resulted as follows:

those who voted in the affirmative were: Senators Benz, Burrell, Coffey, Donham, Foster, Garrigus, Hart, Heilman, Peterson, Reeve, Shaffer and Traylor—12.

those who voted in the negative were: Senators Briscoe, Comstock, Davenport, Dice, Grubbs, Harris, Hefron, Kahlo, Kramer, Langdon, Major, Menzies, Mercer, Moore, Ragan, Sarnighausen, Shaffer, Smith, Taylor, Trusler, Urmstan and Weir—22.

The motion to indefinitely postpone was not agreed to.

Mr. Kramer moved to amend section 2 by adding: "*Provided, that the provisions of this section shall not apply to the surety of insolvents, where the same relates to bonds, upon administrations and guardianships.*"

Which was rejected.

Mr. Hefron moved to amend section 2 by striking out the words "insolvency or," in line 3.

Which was agreed to.

Mr. Reeve offered the following amendment:

move to strike out the words "and sale of personal property" in the first line.

Which was rejected.

The question recurring on the adoption of section 2, as amended, Messrs. Foster and Benz demanded the ayes and noes.

Which being ordered and taken resulted as follows:

those who voted in the affirmative were: Senators Comstock, Davenport, Dice, Grubbs, Harris, Hefron, Heilman, Kahlo, Langdon, Major, Mercer, Moore, Poindexter, Ragan, Shaffer, Smith, Traylor, Treat, Trusler, Wilson, Winterbotham and Wood—22.

those who voted in the negative were: Senators Benz, Briscoe, Burrell, Coffey, Davis, Donham, Foster, Garrigus, Hart, Kramer, Shaffer, Menzies, Peterson, Reeve, Reiley, Sarnighausen, Traylor, Urmstan and Weir—19.

The section was adopted.

Section 3 was read.

Mr. Reeve offered the following amendment:

amend section 3 by striking out in line 3 the words "within ten days after the execution thereof," and insert the words "be delivered immediately after it is executed and as soon as delivered shall."

The question being on the adoption of the amendment, Messrs Wood and Dice demanded the yeas and noes, which being ordered and taken resulted as follows:

Those who voted in the affirmative were: Senators Benz, Burrell, Coffey, Davis, Donham, Foster, Garrigus, Hefron, Heilmann, Leeper, Menzies, Reeve, Reiley, Taylor, Traylor, Urmstan, Wood and Wood—18.

Those who voted in the negative were: Senators Comstock, Davenport, Dice, Grubbs, Harris, Kahlo, Langdon, Major, Meritt, Moore, Peterson, Poindexter, Ragan, Treat, Trusler, Wilson and Winterbotham—17.

The amendment was agreed to.

Mr. Harris moved that section 3 as amended be adopted. Which was agreed to.

Section 4 was then read.

Mr. Reeve move to amend as follows:

Strike out in section 4, line 1, the words "within fifteen days" and insert the word "immediately."

Which was agreed to.

The section, as amended, was then adopted.

Section 5 was read and adopted.

Section 6 was read and adopted.

Section 7 was read.

Mr. Foster moved to amend as follows:

Strike out of said section the words "printed and," wherever they occur in said section.

Which was agreed to.

The section, as amended, was adopted.

Section 8 was read.

Mr. Reeve offered the following amendment:

Add to the section: "And shall also appraise such property at value based upon a sale on a credit, not over eighteen months, as two-thirds of the purchase money."

Leave of absence was asked and obtained for Mr. Menzies until to-morrow.

Mr. Burrell demanded a call of the Senate, and the following Senators responded to the call of the Secretary:

Senators Benz, Briscoe, Burrell, Coffey, Comstock, Davis, Dice, Donham, Foster, Garrigus, Grubbs, Harris, Hart, Hefron, Heilman, Kramér, Langdon, Leeper, Major, Mercer, Moore, Peterson, Pindexter, Ragan, Reeve, Reiley, Sarnighausen, Taylor, Traylor, Treat, Trusler, Urmstan, Weir, Wilson, Wood and Woollen—37.

Mr. Burrell moved that further proceedings under the call be dismissed with.

Which was agreed to.

The question recurring on the amendment offered by Mr. Reeve, Messrs. Burrell and Reeve demanded the ayes and noes.

Which being ordered and taken, resulted as follows:

Those who voted in the affirmative were: Senators Benz, Burrell, Coffey, Davis, Donham, Foster, Garrigus, Hart, Hefron, Heilman, Kramér, Leeper, Peterson, Reeve, Reiley and Urmstan—16.

Those who voted in the negative were: Senators Briscoe, Comstock, Dice, Grubbs, Harris, Langdon, Major, Mercer, Moore, Pindexter, Ragan, Sarnighausen, Shaffer, Taylor, Traylor, Treat, Trusler, Weir, Winterbotham and Wood—21.

The amendment was rejected.

Section 8 was then adopted.

Section 9 was read and adopted.

Section 10 was read.

Mr. Foster moved to amend by striking out the words "printed," in line four.

Which was agreed to.

Mr. Reeve moved to amend section 10 by adding after the word "edit," in the seventh line, "not over eighteen months," and strike out of the tenth line the words "twelve months," and insert for "payable," the words "such time as the court may order, not exceeding eighteen months." Strike out all in the fifteenth line for the word "and."

Which was agreed to.

Mr. Taylor offered the following amendment to section 10:

Amend section 10 by adding thereto the following: And if the judge should deem it best, he may direct the assignee to make partition of the real estate, or any part thereof, under the rules and regulations of an act entitled an act concerning the partition of lands, approved May 20, 1852.

Which was adopted.

WHEREAS, The Woman's Suffrage Association, through their man, have requested the privilege of addressing the General Assembly on the subject of woman's suffrage, and have further stated that, if possible, the eighteenth instant be designated by the House, as shown by their letter hereto attached; therefore, resolved, That the House agrees to hear the arguments to be presented by said association on Tuesday, February 25, 1879, at 4 P. M. and that the Senate be invited to attend.

WEBSTER DIXON, Clerk, do certify that the above and foregoing resolution was adopted by the House of Representatives on January 15, 1879.

And the same is herewith transmitted to the Senate for its action on.

Senate Bill No. 49, entitled "An act to prevent the running at large of live stock," etc., was taken up and read the second time, and the report of the committee, recommending that the bill do lie on the table.

The question being on concurring in the report of the committee, Messrs. Shaffer and Dice demanded the ayes and noes.

Which being ordered and taken, resulted as follows:

Those who voted in the affirmative were: Senators Briscoe, Burrell, Coffey, Comstock, Dice, Donham, Leeper, Mercer, Smith, Traylor, Urmstan, Weir, Winterbotham, Wood and Wool-16.

Those who voted in the negative were: Senators Cadwallader, Denport, Garrigus, Harris, Kramer, Langdon, Menzies, Moore, Dexter, Reeve, Sarnighausen, Shaffer, Streight, Tarlton, Trus-17. Viehe and Wilson—17.

The report of the committee was not concurred in.

There being a motion to adjourn, it was rejected on a division, by yeas sixteen to eighteen.

Mr. Briscoe demanded a call of the Senate.

Ending the call, Mr. Wilson moved that further proceedings on the call be dispensed with.

Which was rejected.

The call of the Senate was proceeded with, the following Senators responding to their names:

Senators Briscoe, Burrell, Cadwallader, Coffey, Comstock, Dav-18. ert, Dice, Donham, Garrigus, Harris, Kramer, Langdon, Leeper,

Menzies, Mercer, Moore, Poindexter, Reeve, Sarnighausen, Sha
Smith, Streight, Tarlton, Taylor, Traylor, Trusler, Urmstan, Vi
Weir, Wilson, Winterbotham, Wood and Woollen—33.

The Senate adjourned.

(Approved.)

ISAAC P. GRAY,
President of the Senate

MONDAY MORNING.

FEBRUARY 17, 1878

The Senate met at 10 o'clock, A. M., with Lieutenant-Governor Gray in the chair.

The session was opened with prayer by the Rev. Dr. Foster.

The Journal of Saturday was being read when, on motion of Foster, the further reading of the same was dispensed with.

Mr. Briscoe presented a petition from citizens of Jay county, praying for a reduction of the fees and salaries of county officers, and the repeal of the laws authorizing grand juries and the office of county superintendent.

Which was read and referred to the committee on fees and salaries.

The Lieutenant-Governor laid before the Senate a communication from the Auditor of State on the subject of the compliance by foreign corporations with section 6 of the amendment to the assessment law.

Which was read and referred to the committee on corporations.

Mr. Menzies, from the committee on corporations, reported Senate Bill No. 249, entitled "An act to amend section 1 of an act entitled an act exempting certain lands therein described from taxation for general city or town purposes, approved March 13, 1877, and declaring an emergency," with the report of the committee recommending that it be indefinitely postponed.

Which was placed on file without reading.

Mr. Menzies reported Senate Bill No. 253, entitled "An act defining the manner in which certain lands and other property with

limits of any city or incorporated town may be taxed for corporation purposes," with the report of the committee recommending passage.

Which was placed on file without reading.

Mr. Ragan, from the committee on temperance, reported Senate Bill No. 327, entitled "An act providing for remonstrance of the people against granting license to vend intoxicating liquors as a beverage, to be drank on the premises where sold," etc., with the report of the committee recommending that it lie upon the table.

Which was placed on file without reading.

Mr. Treat, from the committee on temperance, reported as follows:

R. PRESIDENT:

The committee on temperance, to whom was referred thirteen petitions from the county of Cass, three petitions from the county of Marshall, one petition from the county of Jasper, one petition from the county of Monroe, one petition from the county of Wayne, one petition from the county of Warrick, and one memorial from the county of Huntington, and after having carefully examined each and all of said petitions and memorial, have instructed me to make the following report:

First. That the relief sought in some of the petitions is in conflict with the provisions of the constitution of the State of Indiana.

Second. That those asking relief by an amendment to the constitution, by inserting a temperance clause are, at this time, impracticable.

Thirdly. That the relief asked for in the remaining petitions and memorial is substantially given in Senate Bill No. 116, which was referred to this committee and reported back with a majority and minority report, therefore any further consideration of said petitions would, in our opinion, be useless at this time.

Mr. Urmstan, from the committee on temperance, reported Senate Bill No. 228, entitled "An act to suppress intemperance, pauperism and crime, and providing for the recovery of damages for injuries growing out of the sale, barter or giving away of intoxicating liquors," with the report of the committee recommending that it be definitely postponed.

Which was placed on file without reading.

Mr. Urmstan, from the committee on temperance, reported Senate Bill No. 92, entitled "An act to define and suppress tippling houses to regulate the sale, barter and giving away of spirituous and mallicuous liquors, wine and other intoxicating liquors, to punish public exhibitions of drunkenness, and to provide penalties for the violation of this act, repealing inconsistent laws and declaring an emergency," with the report of the committee recommending that it do lie on the table.

Which was placed on file without reading.

Mr. Traylor, from the committee on temperance, reported Senate Bill No. 221, entitled "An act granting the privilege of remonstrance to citizens of townships, incorporated towns and city wards against the sale of intoxicating liquors," etc., with the report of the committee recommending that it do lie on the table.

Which was placed on file without reading.

Mr. Viehe, from the special committee, reported Senate Bill No. 27, in reference to the government of the State Prison, with a report of the majority recommending its passage after certain amendments. Also, a minority report recommending its passage after certain amendments.

Which was placed on file without reading.

Mr. Langdon introduced Senate Bill No. 393, entitled "An act concerning the effect of a sale of land for the payment of taxes."

Read the first time and referred to the committee on finance.

Mr. Shaffer introduced Senate Bill No. 394, entitled "An act to amend an act entitled an act to entitle the trustees of two or more adjacent counties and townships to form a new school district and to build a school house therein, and fixing the manner in which such expense shall be borne, approved March 6, 1877, and legalizing joint county and township action and obligations incurred in the construction of any such school houses, and declaring an emergency."

Read the first time and referred to the committee on education.

Mr. Weir, by request, introduced Senate Bill No. 395, entitled "An act to repeal an act entitled an act for the protection of the Sabbath, and providing penalties for the desecration thereof, approved February 28, 1855, and declaring an emergency."

Which was referred to the committee on rights and privileges without reading.

Mr. Woollen introduced Senate Bill No. 396, entitled "An act

for the appointment of county superintendents, prescribing their powers and duties, fixing their compensation and repealing certain laws therein named."

Read the first time and referred to the committee on education.

Mr. Kramer introduced Senate Bill No. 397, entitled "An act amending section 11 of an act defining vagrancy and other offenses therein specified, providing penalties, authorizing arrests of suspected persons without warrant, providing a method of examination, authorizing search of places where unlawful practices are carried on and arrest of inmates without warrant, and conferring certain powers and jurisdiction on policemen and other peace officers, mayors and justices, declaring it a cumulative statute and emergency, and containing other provisions pertinent to the subject matter of the act, approved March 15, 1877."

Read the first time and referred to the committee on the organization of courts.

Mr. Briscoe introduced Senate Bill No. 398, entitled "An act defining the misdemeanor of keeping houses of ill-fame, the renting and leasing of property to be used as a house of ill-fame, and prescribing penalties therefor, and prescribing certain rules of evidence for prosecutions for such offenses."

Read the first time and referred to the committee on the judiciary.

Mr. Taylor introduced Senate Bill No. 399, entitled "An act submitting to the qualified voters for their rejection or ratification the constitutional amendments."

Read the first time and referred to the committee on the judiciary.

Mr. Fowler introduced Senate Bill No. 400, entitled "An act regulating the purchase of articles for the penal and benevolent institutions, providing for the advertising of bids and the furnishing of bonds by contractors, and providing for the collection of forfeitures and their disposition."

Read the first time and referred to the committee on benevolent institutions.

Mr. Menzies, by request, introduced Senate Bill No. 401, entitled "An act to amend section 8 of an act entitled an act to repeal all general laws now in force for the incorporation of cities, prescribing their powers and rights and the manner in which they shall exercise the same, and to regulate such other matters as properly pertain to

thereto, approved March 14, 1867, as amended by the act approved March 6, 1877, and declaring an emergency."

Read the first time and referred to the committee on corporations.

Mr. Langdon, by request, introduced Senate Bill No. 402, entitled "A bill to provide for painting and repairing the fence, enclosing the trees, and cleaning off the Tippecanoe battle ground, appropriating money to defray the expenses thereof, designating a superintendent, making annual appropriations and declaring an emergency."

Which, on motion of Mr. Viehe, was referred to the committee on claims without reading.

Mr. Fowler introduced Senate Bill No. 403, entitled "An act to amend section 12 of an act entitled an act regulating the grant of divorces, nullification of marriages, and decrees and orders of courts incident thereto, and repealing all laws conflicting with the act, and declaring an emergency, approved March 10, 1873."

Read the first time and referred to the committee on the judiciary.

Mr. Comstock introduced Senate Bill No. 404, entitled "An act for an act to amend section 4 of an act entitled an act to fix the salaries of the judges of the supreme, circuit, superior and criminal circuit courts of this State, and to provide for the time and manner of payment."

Read the first time and referred to the committee on the judiciary.

Mr. Dice introduced Senate Bill No. 405, entitled "An act to amend section 68 of an act to revise, simplify and abridge the rules of practice, pleadings and forms in civil cases in the courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity, approved June 18, 1852."

Read the first time and referred to the committee on the judiciary.

Mr. Burrell introduced Senate Bill No. 406, entitled "An act to provide for the dissolution of city incorporations in cities of less than three thousand inhabitants in certain cases."

Read the first time and referred to the committee on county and township business.

Mr. Garrigus introduced Senate Bill No. 407, entitled "An act to amend section 7 of an act entitled an act authorizing boards of county commissioners to construct gravel, macadamized or paved roads."

ads upon petition of a majority of resident landowners along and adjacent to the line of road; authorizing them to issue bonds of the county, to raise money required for that purpose, and to provide for the payment of such bonds by taxing lands adjacent to the road, repealing all laws inconsistent herewith, and declaring an emergency, approved March 3, 1877.

Read the first time and referred to the committee on roads.

Mr. Streight introduced Senate Bill No. 408, entitled "An act for the assessment of real property in the year 1879, and every four years thereafter, repealing conflicting laws and declaring an emergency."

Read the first time and referred to the committee on finance.

Mr. Harris, by request, introduced Senate Bill No. 409, entitled "An act to provide for the payment of semi-annual interest on county bonds."

Read the first time and referred to the committee on county and township business.

Mr. Wood introduced Senate Bill No. 410, entitled "An act to declare that county printing shall be done in two newspapers, of opposite political faith, having the greatest circulation in the county, and that the legal fees for such advertising shall be equally divided between the editors of such papers."

Read the first time and referred to the committee on printing.

Mr. Fowler introduced Senate Bill No. 411, entitled "An act to amend section 15 of an act entitled an act concerning the partition of lands, approved May 20, 1852."

Read the first time and referred to the committee on the judiciary.

Leave of absence was asked and obtained for Mr. Grubbs until tomorrow.

Mr. Langdon, by request, introduced Senate Bill No. 412, entitled "An act to amend section 355 of an act to revise, simplify and bridge the rules, practice, pleadings and forms in civil cases in the courts of this State, etc., approved June 18, 1852."

Read the first time and referred to the committee on the judiciary.

Mr. Fowler introduced Senate Bill No. 413, entitled "An act to prevent the mutilation or alteration of an instrument in writing with intent to cheat or defraud another and to provide a punishment therefor, and providing for an emergency."

Read the first time and referred to the committee on the judiciary.

Mr. Garrigus introduced Senate Bill No. 414, entitled "An act to amend sections 2, 3, 5, 6, 10, 11, 13, 15, 16, 17 and 22, of an act entitled an act to enable the owners of wet lands to drain and reclaim them when the same can not be done without affecting the lands of others, prescribing the powers and duties of county board and other officers in the premises, and to provide for the repair of such drains, approved March 9, 1875, and declaring an emergency."

Read and referred to the committee on canals.

Mr. Langdon offered the following resolution:

Resolved, That the Secretary of the Senate be instructed to keep on hand a limited supply of lithographed letter heads and envelopes to be furnished through the State Printing Board, for the use of the Senate, to be used in the discharge of their official duties as Senators.

The question being on the adoption of the resolution, the ayes and noes were demanded by Messrs. Burrell and Winterbotham.

Which being ordered and taken resulted as follows:

Those who voted in the affirmative were: Senators Comstock, Dice, Fowler, Harris, Heilman, Kramer, Langdon, Leeper, Raga, Reeve, Shaffer, Streight, Tarlton, Taylor, Wilson, Winterbotham and Woollen—17.

Those who voted in the negative were: Senators Burrell, Callwallader, Coffey, Donham, Foster, Garrigus, Hart, Menzies, Mercer, Peterson, Reiley, Sarnighausen, Traylor, Treat, Trusler, Urmsta, Viehe, Weir and Wood—19.

The resolution was rejected.

Mr. Taylor gave the following notice:

Notice is given that on to-morrow I will move to amend rule to read as follows:

1. The President shall take the chair every day precisely at nine o'clock in the forenoon, and two and seven o'clock in the afternoon unless the Senate shall by motion have adjourned to some other hour appointed by such motion. He shall immediately call the senators to order, and on the appearance of two-thirds, shall cause the Journal of the preceding day to be read.

Engrossed House Joint Resolution No. 15, requesting our Senators and instructing our Representatives in Congress in reference to the repeal of the resumption act, the act exempting bonds and greenbacks from taxation, was taken up and read.

On motion of Mr. Winterbotham the resolution was laid on the table.

Engrossed House Concurrent Resolution No. 7, in reference to allowing farmers to sell tobacco in small quantities, etc., without license, was read.

Mr. Harris moved that the resolution be laid on the table.

The ayes and noes were demanded by Messrs. Taylor and Fowler. Which being ordered and taken resulted as follows:

Those who voted in the affirmative were: Senators Cadwallader, Armstrong, Foster, Garrigus, Harris, Heilman, Langdon, Mercer, Peterson, Ragan, Reeve, Sarnighausen, Shaffer, Streight, Taylor, Treat, Urnstan, Viehe, Weir and Winterbotham—20.

Those who voted in the negative were: Senators Burrell, Dice, Donham, Fowler, Hart, Kramer, Loeper, Menzies, Reiley, Tarlton, Taylor, Trusler, Wilson, Wood and Woollen—15.

The motion to lay on the table was agreed to.

House Joint Resolution No. 13, instructing our Senators and representatives to procure the enactment of a law to reduce the salaries of federal officers, was read.

Mr. Reeve moved further consideration be dispensed with.

Mr. Foster moved to return the resolution to the House for correction by endorsement.

Which was agreed to.

Mr. Reeve moved that Senate Bills Nos. 49, 67 and 390, in reference to domestic animals running at large, be referred to the committee on agriculture, with instructions to consider the three with amendment by way of substitute, which he submitted, and report tomorrow at 10 o'clock A. M.

Which was agreed to.

The chair appointed Messrs. Burrell and Woollen a committee of conference, on the part of the Senate, on the difference between the two houses with reference to paying for the employment of Mr. McDaniel, on the part of the House, and the Revised Statutes ordered by the Senate.

The Senate adjourned.

AFTERNOON SESSION.

FEBRUARY 17, 1879.

The Senate reassembled at 2 o'clock P. M. Lieutenant-Governor Gray in the chair.

Leave of absence was asked and obtained for Mr. Shirk till next Wednesday.

Mr. Poindexter introduced Senate Bill No. 415, entitled "An act to legalize the incorporation of the town of Ohio Falls," etc.

Which was referred to the committee on corporations without reading.

Mr. Poindexter introduced Senate Bill No. 416, entitled "A bill for an act to provide for the issuing of license to any person desiring to manage locomotive or stationary engines, providing for the appointment of license inspectors, defining their duties, and affixing penalties against any person or persons who shall employ unlicensed persons to manage any locomotive or stationary engine; also, to provide for the punishment of any engineer who shall fail to report any defect in the machinery under his control, and to punish any licensed inspector for any failure to perform their duty."

Which was referred to the committee on the judiciary without reading.

Mr. Wilson introduced Senate Bill No. 417, entitled "An act to authorize persons living in the State of Indiana to keep skiffs, boats and other water craft, on the Ohio river, and to convey persons across said river therein, and to let the same thereon for hire, and to repeal section 13 of an act to establish and regulate ferries, approved June 17, 1852, and acts amendatory thereof, so far as the same conflicts with this act."

Which was referred to the committee on county and township business without reading.

Mr. Wood, from the committee on railroads, reported Senate Bill No. 304, entitled "An act providing for the appointment of a railroad commissioner, prescribing his powers and duties, and fixing his compensation," etc., with the majority report of the committee

commending its indefinite postponement, and the minority report, by Mr. Harris, recommending its passage.

Which was placed on file without reading.

Mr. Moore introduced Senate Bill No. 418, entitled "An act to authorize boards of county commissioners to indorse the bonds of railroad companies where townships have by vote donated or voted stock subscriptions in aid of the construction of railroads in any county of this State, to an amount not exceeding such donations or stock subscriptions in any county, and matters connected therewith."

Read the first time and referred to the committee on railroads.

Mr. Smith, by request, introduced Senate Bill No. 419, entitled "An act to discourage the keeping of worthless and sheep-killing dogs, prescribing for the registration and licensing of dogs, prescribing penalties for the violation of the provisions of this act, by officers and others, creating a fund for the payment of damages to owners of sheep maimed or killed by dogs, and repealing all conflicting laws, and declaring an emergency."

Which was referred to the committee on agriculture without reading.

The Chair announced the special order to be the consideration of Senate Bill No. 17, in reference to the drainage of wet lands, etc.

Mr. Garrigus moved that it be made the special order for Thursday at 2 P. M.

Which was agreed to.

On motion of Mr. Fowler the Senate took up Senate Bill No. 27, in relation to government of the State prisons.

The majority and minority reports of the committee were read.

Mr. Reeve offered the following resolution:

Resolved, That it is the sense of the Senate that there shall be a separate board for each of the State prisons under the bill now under consideration for the government of prisons.

Messrs. Streight and Harris demanded the ayes and noes, which being ordered and taken resulted as follows:

Those who voted in the affirmative were: Senators Benz, Bristoe, Burrell, Cadwallader, Coffey, Donham, Foster, Fowler, Harris, Hart, Kramer, Langdon, Leeper, Menzies, Reeve, Reiley, Sarnighausen, Shaffer, Smith, Tarlton, Traylor, Urmstan, Viehe, Winterbotham, Wood and Woollen—26.

Those who voted in the negative were: Senators Comstock, Garrigus, Heilman, Mercer, Moore, Peterson, Poindexter, Ragland, Shirk, Streight, Taylor, Treat, Trusler, Weir and Wilson—15.

The resolution was adopted.

The following message was received from the House by the Clerk thereof:

MR. PRESIDENT:

I am directed by the Speaker of the House to inform the Senate that the House has adopted House Concurrent Resolution No. 1 in relation to the expenses incident to the proper reception and entertainment of the members of the standing committees on reform schools for boys and girls of the General Assembly of the State of Ohio, while visiting the reformatory and benevolent institutions of this State.

And the same is herewith transmitted to the Senate for its action thereon.

Mr. Harris offered the following resolution:

Resolved, That it is the sense of the Senate that the clerk for each of the State Prisons shall be appointed by the board of directors.

The ayes and noes were demanded by Messrs. Streight and Shirk. Which being ordered and taken resulted as follows:

Those who voted in the affirmative were: Senators Dice, Garrigus, Harris, Hart, Hefron, Kramer, Langdon, Mercer, Moore, Ragan, Reiley, Shirk, Streight, Taylor, Treat, Trusler, Weir and Wilson—18.

Those who voted in the negative were: Senators Benz, Bristow, Burrell, Cadwallader, Coffey, Comstock, Donham, Foster, Fowler, Leeper, Menzies, Peterson, Poindexter, Reeve, Sarnighausen, Shaffer, Smith, Tarlton, Traylor, Urmston, Viehe, Winterbotham, Wood and Woollen—24.

The resolution was rejected.

The question then being on the minority report. It was rejected.

The committee's amendment to section 1 was agreed to, and section 1 as amended was then adopted.

The committee's amendment to section 2 was agreed to.

Mr. Foster offered the following amendment to section 2:

strike out first line and second line to the word "three," and in the following: "There shall be elected by the General Assembly of the State of Indiana, at the present session thereof."

Messrs. Foster and Benz demanded the ayes and noes.

Which being ordered and taken resulted as follows:

Those who voted in the affirmative were: Senators Cadwallader, Mer, Garrigus, Hart, Heilman and Smith—6.

Those who voted in the negative were: Senators Benz, Briscoe, Bell, Coffey, Comstock, Dice, Donham, Fowler, Harris, Kramer, Langdon, Leeper, Menzies, Mercer, Moore, Peterson, Poindexter, Ragan, Reeve, Reiley, Sarnighausen, Shaffer, Shirk, Streight, Tarlton, Taylor, Traylor, Treat, Trusler, Urmstan, Viehe, Weir, Wilson, Winterbotham, Wood and Woollen—36.

The amendment was rejected.

Section 2 as amended was then adopted.

The committee's amendments to section 3 were agreed to.

Mr. Traylor offered the following amendment:

Amend section 3, line 5, by striking out the word "five" and in lieu thereof the word "three."

The question being on the adoption of the amendment.

The ayes and noes were demanded by Messrs. Menzies and Shirk.

Which being ordered and taken resulted as follows:

Those who voted in the affirmative were: Senators Briscoe, Bell, Cadwallader, Coffey, Comstock, Dice, Foster, Fowler, Garrigus, Hart, Heilman, Kramer, Langdon, Menzies, Mercer, Moore, Peterson, Poindexter, Ragan, Reiley, Shaffer, Shirk, Smith, Streight, Traylor, Treat, Trusler, Urmstan, Viehe, Weir, Wilson and Woollen—32.

Those who voted in the negative were: Senators Benz, Donham, Harris, Leeper, Reeve, Tarlton, Taylor, Winterbotham and Wood—9.

The amendment was adopted.

Section 3 as amended was then adopted.

Mr. Reeve offered the following amendment:

Add after the word "warden," in the fourth line, the following: "and he shall have notice of any and all cause or charges preferred

for removal; shall be permitted to defend as in other cases of impeachment, and may be suspended from authority as warden during such inquiry."

Which was adopted.

Mr. Briscoe offered the following amendment to section 4:

Amend section 4, line 10, by striking out the word "ten" and insert "thirty."

Which was rejected.

Mr. Burrell offered the following amendment:

Amend the amendment by striking out the word "fifteen hundred," in line 5, and insert in lieu thereof "one thousand."

Which was rejected.

The committee's amendment to section 4 was then adopted.

Section 4 as amended was then adopted.

The committee's amendment to section 5 was agreed to.

Section 5 as amended was then adopted.

Section 6 was then adopted.

Section 7 was adopted.

Section 8 was adopted.

The committee's amendment to section 9 was read.

Mr. Weir offered the following amendment:

Amend chaplain's salary from \$800 to \$600.

Which was rejected.

Mr. Burrell offered the following amendment:

Amend by striking out "one thousand" and insert in lieu thereof "six hundred," for the physician.

Which was rejected.

Mr. Shirk offered the following amendment:

Amend by striking out the "one thousand" in relation to physician and insert "eight hundred."

The question being on the adoption of the amendment.

The ayes and noes were demanded by Messrs. Shirk and Trust

Which being ordered and taken resulted as follows:

Those who voted in the affirmative were: Senators Benz, Briscoe, Cadwallader, Coffey, Comstock, Dice, Donham, Foster, Fowlie, Garrigus, Harris, Hart, Heilman, Kramer, Langdon, Leeper, Me

zies, Peterson, Poindexter, Ragan, Sarnighausen, Shirk, Smith, Streight, Tarlton, Traylor, Treat, Trusler, Urmstan, Viehe, Weir, Wilson and Winterbotham—33.

Those who voted in the negative were: Senators Burrell, Mercer, Moore, Reeve, Reiley, Shaffer, Wood and Woollen—8.

The amendment was adopted.

The committee's amendment to section 9 was adopted, and the section as amended was then adopted.

Section 10 was read and adopted.

Section 11 was read.

Mr. Coffey offered the following amendment:

Amend section 11 by striking out after the word "number," in line 8, the following words, "not exceeding one hundred."

Mr. Langdon offered the following substitute for the amendment offered by Mr. Coffey:

"As to the directors shall appear proper."

Which was rejected.

The question recurring on the amendment offered by Mr. Coffey, it was rejected.

Mr. Langdon offered the following amendment:

Amend section 11, line 10, by striking out the words "in the State," and insert "published in Indianapolis."

Which was rejected.

Section 11 was then adopted.

The committee's amendment to section 12 was agreed to.

Section 12 as amended was then adopted.

The committee's amendment to section 13 was agreed to.

Section 13, as amended, was then adopted.

The committee's amendment to section 14 was agreed to.

Section 14, as amended, was then adopted.

Section 15 was read with the amendment of the committee.

Mr. Reeve offered the following amendment:

Amend section 15, line 16, by adding "and the use of such language shall be cause for removal."

Which was adopted.

Mr. Streight offered the following amendment:

"And all corporeal punishments shall be inflicted in the presence of the chaplain or surgeon."

The question being on the adoption of the amendment of Mr. Streight, the ayes and noes were demanded by Messrs Streight and Winterbotham, which being ordered and taken, resulted as follows:

Those who voted in the affirmative were: Senators Coffey, Comstock, Dice, Foster, Fowler, Garrigus, Hart, Heilman, Langdon, Mercer, Poindexter, Ragan, Reeve, Reiley, Shirk, Smith, Streight, Taylor, Treat, Trusler, Weir and Wilson—22.

Those who voted in the negative were: Senators Benz, Briscoe, Burrell, Donham, Harris, Kramer, Leeper, Menzies, Moore, Peterson, Sarnighausen, Shaffer, Tarlton, Traylor, Urmstan, Viehe, Winterbotham, Wood and Woollen—19.

The amendment was adopted.

The following message was received from the House by the Clerk thereof:

MR. PRESIDENT:

I am directed by the Speaker of the House to inform the Senate that the House has passed Engrossed House Bill No. 158, entitled "An act in relation to settlements made by boards of county commissioners with county, township and school officers."

And the same is herewith transmitted to the Senate for its action thereon.

Mr. Woollen offered the following amendment:

MR. PRESIDENT:

I move to amend section 15 by adding after the word "character" in the fifth line, the following:

Provided further, That the use of the instrument commonly called the "cat," shall not hereafter be permitted in any prison in this State.

Mr. Fowler moved to suspend the order of business and take up the concurrent resolution of the House, extending an invitation to members of the Ohio Legislature, etc.

Which was rejected.

Mr. Foster demanded the previous question.

Which was seconded by the Senate.

The question recurring on the amendment offered by Mr. Wool-

Mr. Messrs. Shirk and Langdon demanded the ayes noes, which being ordered and taken resulted as follows:

Those who voted in the affirmative were: Senators Cadwalder, Coffey, Comstock, Dice, Donham, Foster, Heilman, Langdon, Mercer, Poindexter, Ragan, Reiley, Shirk, Streight, Taylor, Trayner, Treat, Trusler, Weir, Wilson and Woollen—21.

Those who voted in the negative were: Senators Benz, Briscoe, Currell, Fowler, Garrigus, Harris, Hart, Kramer, Leeper, Menzies, Moore, Reeve, Sarnighausen, Shaffer, Tarlton, Urmstan, Viehe, Winterbotham and Wood—19.

The amendment was concurred in.

The Senate adjourned.

(Approved)

ISAAC P. GRAY,
President of the Senate.

TUESDAY MORNING.

FEBRUARY 18, 1879.

Senate met at 10 o'clock A. M. Lieutenant-Governor Gray in the chair.

The session was opened with prayer by Prof. S. K. Hoshour.

The Journal of yesterday was being read, when, on motion of Mr. Leeper, the further reading of the same was dispensed with.

Mr. Leeper presented the claim of Wm. H. Drapier for \$1,450.80. Which was referred to the committee on claims.

Arthur Moody having resigned his position as page, the Lieutenant-Governor appointed Daniel Diffley to fill the vacancy.

The chair laid before the Senate a communication from Dr. W. McGarvan, Superintendent of the Indiana Soldiers' Orphan Home.

Which was referred to the committee on benevolent and reformatory institutions.

Mr. Fowler moved that House Joint Resolution No. 20, in relation to the expenses incident to the proper reception and entertain-

ment of the standing committees on reformatory institutions of the Ohio legislature while visiting the benevolent and reformatory institutions of this State, be taken up and concurred in.

Which was agreed to.

The question being on the adoption of the resolution.

The ayes and noes were ordered and taken, resulting as follows:

Those who voted in the affirmative were: Senators Benz, Briscoe, Burrell, Cadwallader, Coffey, Comstock, Davenport, Davis, Dice, Donham, Foster, Fowler, Garrigus, Grubbs, Harris, Hart, Hefron, Heilman, Kahlo, Kent, Kramer, Langdon, Leeper, Major, Menzies, Mercer, Moore, Olds, Peterson, Poindexter, Ragan, Reeve, Reiley, Sarnighausen, Shaffer, Shirk, Smith, Streight, Tarlton, Taylor, Traylor, Treat, Trusler, Urmstan, Viehe, Weir, Wilson, Winterbotham, Wood and Woollen—50.

No one voting in the negative.

House Joint Resolution No. 20 was adopted.

Mr. Langdon offered a resolution in reference to dividing the State into congressional districts.

Mr. Menzies moved that the resolution and bills on the same subject, which was made the special order for to-day, be made the special order for Thursday at 10 o'clock, and on that question demanded the previous question.

Which was seconded by the Senate.

The main question being ordered.

Mr. Langdon asked for a division of the question.

The question first recurring on the resolution.

Messrs. Trusler and Langdon demanded the ayes and noes.

Which being ordered and taken, resulted as follows:

Those who voted in the affirmative were: Senators Benz, Briscoe, Burrell, Coffey, Davis, Donham, Foster, Fowler, Hart, Hefron, Kent, Kramer, Leeper, Major, Menzies, Peterson, Reeve, Reiley, Sarnighausen, Tarlton, Traylor, Urmstan, Viehe, Winterbotham, Wood and Woollen—26.

Those who voted in the negative were: Senators Cadwallader, Comstock, Davenport, Dice, Garrigus, Grubbs, Harris, Heilman,

lo, Langdon, Mercer, Moore, Olds, Poindexter, Ragan, Shaffer, Shirk, Smith, Streight, Taylor, Treat, Trusler, Weir and Wilson—

The resolution was postponed.

The question being on the postponement of the legislative and appropriation bills.

The ayes and noes were taken with the following result:

Those who voted in the affirmative were: Senators Benz, Briscoe, Currell, Cadwallader, Coffey, Comstock, Davenport, Davis, Dice, Ham, Foster, Fowler, Garrigus, Grubbs, Harris, Hart, Hefron, Holman, Kahlo, Kent, Kramer, Langdon, Leeper, Major, Menzies, Mercer, Moore, Olds, Peterson, Poindexter, Ragan, Reeve, Reiley, Righausen, Shaffer, Shirk, Smith, Streight, Tarlton, Taylor, Taylor, Treat, Trusler, Urmstan, Viehe, Weir, Wilson, Winterham, Wood and Woollen—50.

No one voting in the negative.

The legislative and appropriation bills were postponed and made special order for Thursday at 10 A. M.

Leave of absence was obtained for Mr. Reeve for an indefinite length of time on account of sickness.

Mr. Foster presented two petitions from citizens of the State on subject of exempting wages from garnishment in certain cases. Which were referred to the committee on the judiciary without filing.

The Chair announced the special order to be the consideration of bills 35, 54 and 340.

Mr. Winterbotham moved to take up the unfinished business of yesterday.

Which was agreed to.

Mr. Reeve offered the following amendment:

Insert after the word "demands," in ninth and tenth lines, the following: "No corporal punishment shall be inflicted by the person entering complaint or making charges against any prisoner, but in all cases corporal punishment shall be inflicted by some person connected with the charge or cause of complaint."

Which was adopted.

Section 15 as amended was then adopted.

The committee amendment to section 16 was read and adopted.

Section 16 as amended was then adopted.

The committee amendment to section 17 was read and agreed to.

Mr. Fowler offered the following amendment:

Amend section 17 as follows: Add after the word "weather," in line 4, the following: "And each sane and well-behaved convict shall be allowed a light in his cell, by which he can read and write until 9 o'clock at night.

Which was agreed to.

Section 17, as amended, was then adopted.

The committee's amendment to section 18 was read and agreed to.

Section 18, as amended, was then adopted.

The committee's amendment to section 19 was read and agreed to.

Section 19, as amended, was then adopted.

Section 20 was read and adopted.

The committee's amendment to section 21 was read and agreed to.

Section 21, as amended, was then adopted.

Section 22 was read and adopted by consent.

Section 23 was read and adopted by consent.

Mr. Foster offered the following amendment:

Amend section 24 as follows: Strike out in lines 2 and 3 the following: "Money to take him to place of conviction and a good plain suit of clothes," and insert the following: "Fifteen dollars in money."

Mr. Reeve offered the following substitute for Mr. Foster's amendment:

Insert after the word "conviction," in the second line, "unless his earnings allowed under this act shall have furnished him sufficient.

Which was rejected.

Mr. Foster's amendment was then rejected.

Mr. Urmstan offered the following amendment:

Amend the amendment by striking out the word "conviction," in line 2 in section 24, and add "to his residence."

Which was rejected.

Section 24, as amended, was then adopted.

Section 25 was adopted.

the committee's amendment to section 26 was read and agreed to.

Section 26, as amended, was then adopted.

Section 27 was adopted.

Section 28 was adopted.

Mr. Burrell moved to reconsider the vote on Bill No. 27, by which the pay of directors was fixed at \$300 per year.

Mr. Wilson moved that debate on the subject cease.

Which was agreed to.

The question being on the motion.

The ayes and noes were demanded by Messrs. Shirk and Dice, which being ordered and taken resulted as follows:

Those who voted in the affirmative were: Senators Benz, Burrell, Ely, Davis, Donham, Foster, Fowler, Harris, Hefron, Kahlo, Kramer, Leeper, Major, Peterson, Reeve, Reiley, Sarnighausen, Tarlton, Taylor, Treat, Urmstan, Viehe, Winterbotham and Wood—25.

Those who voted in the negative were: Senators Cadwallader, Eastock, Dice, Garrigus, Grubbs, Hart, Heilman, Langdon, Merriam, Moore, Olds, Poindexter, Ragan, Shaffer, Shirk, Smith, Streight, Taylor, Trusler, Weir, Wilson and Woollen—22.

The motion was agreed to.

The Senate adjourned.

AFTERNOON SESSION.

FEBRUARY 18, 1879.

The Senate reassembled at 2 o'clock, P. M. Lieutenant-Governor Ely in the chair.

The question being on the amendment reducing the pay of Prison Directors from \$500 to \$300 per annum. Mr. Kramer offered the following:

Amend the amendment in section 3 by striking out "three" and insert "four" in lieu thereof.

Mr. Benz demanded a call of the Senate.

Which being ordered the following Senators responded to the names:

Senators Benz, Briscoe, Burrell, Cadwallader, Coffey, Comstock, Donham, Foster, Fowler, Garrigus, Grubbs, Hart, Hefron, Heilman, Kahlo, Kent, Kramer, Langdon, Major, Mercer, Moore, Olds, Poindexter, Ragan, Reeve, Reiley, Sarnighausen, Shaffer, Shirk, Smith, Streight, Tarlton, Taylor, Traylor, Trusler, Urmstan, Viehe, Weir, Wilson, Winterbotham, Wood and Woollen—42.

Mr. Fowler moved to dispense with further proceedings under the call.

Mr. Burrell made an ineffectual motion to lay Mr. Fowler's motion on the table.

The question being on dispensing with further proceedings under the call.

The ayes and noes were demanded by Messrs. Burrell and Winterbotham.

Which being ordered and taken resulted as follows:

Those who voted in the affirmative were: Senators Cadwallader, Comstock, Fowler, Grubbs, Kent, Kramer, Olds, Shirk, Streight, Taylor, Traylor, Trusler, Wilson and Wood—14.

Those who voted in the negative were: Senators Benz, Briscoe, Burrell, Coffey, Donham, Foster, Garrigus, Hart, Hefron, Heilman, Kahlo, Langdon, Major, Mercer, Moore, Peterson, Ragan, Reeve, Reiley, Sarnighausen, Smith, Tarlton, Urmstan, Viehe, Weir, Winterbotham and Woollen—27.

The motion was rejected.

Mr. Benz moved that the absentees be sent for.

Which was rejected.

Leave of absence was obtained for Mr. Davenport for this afternoon.

Mr. Viehe moved that further proceedings under the call be dispensed with.

Which was agreed to.

The question recurring on the amendment to the amendment.

The ayes and noes were demanded by Messrs. Shirk and Heilman.

Which being ordered and taken resulted as follows:

Those who voted in the affirmative were: Senators Dice, Garrigus,

Grubbs, Hart, Heilman, Kahlo, Kramer, Reeve, Traylor, and Weir—11.

Those who voted in the negative were: Senators Benz, Briscoe, Call, Cadwallader, Coffey, Comstock, Davis, Donham, Foster, Hefron, Kent, Langdon, Leeper, Major, Menzies, Mercer, Olds, Peterson, Poindexter, Ragan, Reiley, Sarnighausen, Shirk, Smith, Streight, Tarlton, Taylor, Treat, Urmstan, Winterbotham, Wood and Woollen—36.

The amendment to the amendment was rejected.

The question being on the original amendment to strike out 500 and insert 300.

Yeas and noes were demanded by Messrs. Traylor and Shirk, and being ordered and taken resulted as follows:

Those who voted in the affirmative were: Senators Briscoe, Call, Cadwallader, Comstock, Davis, Dice, Garrigus, Grubbs, Hart, Heilman, Kahlo, Kramer, Langdon, Mercer, Moore, Olds, Poindexter, Shaffer, Shirk, Smith, Streight, Taylor, Traylor, Trusler, and Woollen—26.

Those who voted in the negative were: Senators Benz, Burrell, Call, Donham, Foster, Fowler, Harris, Hefron, Kent, Leeper, Major, Menzies, Peterson, Reeve, Reiley, Sarnighausen, Tarlton, Urmstan, Viehe, Winterbotham and Wood—21.

The original amendment was agreed to.

The motion of Mr. Viehe section 3 as amended was adopted.

Mr. Viehe moved to reconsider the vote by which section 10 was rejected.

Which was agreed to.

Mr. Viehe offered the following amendment:

To amend section 10 by inserting in line ten after the word prison, the following, "for the transaction of business at least once a month

Mr. Fowler moved to amend the amendment by requiring the officers to visit the prisons every two months.

The question being on the amendment offered by Mr. Fowler.

Yeas and noes were demanded by Messrs. Streight and Fowler, and being ordered and taken resulted as follows:

Those who voted in the affirmative were: Senators Benz, Briscoe, Burrell, Coffey, Davis, Dice, Donham, Fowler, Garrigus, Hef-

ron, Kahlo, Kent, Kramer, Leeper, Major, Menzies, Ragan, Reiley, Sarnighausen, Smith, Tarlton, Traylor, Treat, Urms Viehe, Winterbotham, Wood and Woollen—29.

Those who voted in the negative were: Senators Cadwalla Comstock, Foster, Grubbs, Harris, Hart, Heilman, Langdon, Mercer, Moore, Olds, Peterson, Poindexter, Shaffer, Shirk, Streight, Taylor, Trusler, Weir and Wilson—20.

The amendment to the amendment was agreed to.

The amendment as amended was adopted.

Section 10 as amended was adopted.

Mr. Reeve moved that the vote by which it was provided that corporal punishment shall be inflicted unless the chaplain or physician shall be present, be reconsidered.

Mr. Wilson demanded the previous question.

The main question was ordered.

The question being on the motion of Mr. Reeve.

The ayes and noes were demanded by Messrs. Streight and Ragan which being ordered and taken resulted as follows:

Those who voted in the affirmative were: Senators Briscoe, Burrell, Coffey, Comstock, Donham, Fowler, Grubbs, Harris, Heilman, Hefron, Kramer, Leeper, Major, Menzies, Moore, Olds, Reiley, Sarnighausen, Tarlton, Traylor, Urmstan, Viehe, Winterbotham, Wood and Woollen—25.

Those who voted in the negative were: Senators Cadwalla, Davis, Dice, Foster, Garrigus, Heilman, Kent, Langdon, Mercer, Peterson, Poindexter, Ragan, Reiley, Shaffer, Shirk, Smith, Streight, Taylor, Treat, Trusler, Wood and Woollen—22.

The motion was agreed to.

The question recurring on the amendment requiring the chaplain or surgeon to be present.

The ayes and noes were demanded by Messrs. Streight and Davis which being ordered and taken, resulted as follows:

Those who voted in the affirmative were: Senators Cadwalla, Comstock, Dice, Garrigus, Grubbs, Harris, Heilman, Kent, Langdon, Mercer, Moore, Poindexter, Ragan, Reiley, Shirk, Streight, Taylor, Treat, Trusler, Weir and Wilson—22.

Those who voted in the negative were: Senators Briscoe, B

Coffey, Davis, Donham, Foster, Fowler, Hart, Hefron, Kramer, Major, Menzies, Olds, Peterson, Reeve, Sarnighausen, Tarlton, Traylor, Urmstan, Viehe, Winterbotham, Wood Woollen—25.

The amendment was rejected.

A motion of Mr. Viehe the section was adopted.

Mr. Burrell moved to reconsider the vote by which section 26 of the bill was adopted.

The ayes and noes were demanded by Messrs. Weir and Wilson, and being ordered and taken resulted as follows:

Those who voted in the affirmative were: Senators Benz, Burrell, Coffey, Donham, Foster, Fowler, Harris, Hart, Hefron, Kramer, Leeper, Major, Menzies, Moore, Peterson, Poindexter, Reeve, Reiley, Sarnighausen, Shaffer, Tarlton, Taylor, Traylor, Urmstan, Viehe, Weir, Winterbotham, Wood and Woollen.

Those who voted in the negative were: Senators Cadwallader, Comstock, Davis, Dice, Garrigus, Grubbs, Heilman, Langdon, Leeper, Olds, Ragan, Shirk, Smith, Streight, Trusler and Wilson—

The motion was agreed to.

Mr. Burrell offered the following substitute for section 26:

Section 26. The board of directors elected at this session of the General Assembly for the State's prisons, North and South, are to hold their offices to which they were elected, and the director hold-over shall continue in office for the term for which he was elected.

Which was agreed to.

Section 26, as amended, was then adopted.

The bill as a whole was then adopted.

Mr. Burrell moved that the bill be considered engrossed, read a third time and put upon its passage.

Which was agreed to.

Senate Bill No. 27 was then read a third time.

The question being, shall the bill pass?

The ayes and noes were ordered and taken, resulting as follows:

Those who voted in the affirmative were: Senators Benz, Burrell, Cadwallader, Coffey, Comstock, Davis, Dice, Donham,

Foster, Fowler, Garrigus, Grubbs, Harris, Hart, Hefron, Heilman, Kahlo, Kent, Kramer, Langdon, Leeper, Major, Menzies, Mercer, Moore, Olds, Peterson, Poindexter, Ragan, Reeve, Reiley, Shaffer, Shirk, Smith, Tarlton, Taylor, Traylor, Trusler, Urmstan, Viehe, Weir, Wilson, Winterbotham, Wood, Woollen—48.

No one voting in the negative.

The bill passed.

Mr. Burrell made an ineffectual motion to amend the title by adding an emergency clause.

Mr. Urmstan moved to amend the title as follows:

Amend the title by adding after the word "prisons," in line 1, the words "prescribing a punishment for violations thereof."

Which was agreed to.

The title as amended was then adopted.

Mr. Winterbotham, from the committee on finance, reported on Senate Bill No. 393, entitled "An act concerning the sale of land and the payment of taxes," with the report of the committee recommending its passage.

The question being on concurring in the report of the committee, the ayes and noes were demanded by Messrs. Langdon and Cadwallader, which being ordered and taken, resulted as follows:

Those who voted in the affirmative were: Senators Cadwallader, Foster, Fowler, Grubbs, Hefron, Heilman, Kahlo, Kramer, Langdon, Leeper, Major, Menzies, Mercer, Moore, Olds, Peterson, Poindexter, Reiley, Shaffer, Shirk, Smith, Streight, Taylor, Traylor, Treat, Urmstan, Weir and Wilson—28.

Those who voted in the negative were: Senators Combs, Dice, Donham, Garrigus, Harris, Hart, Ragan, Tarlton, Trusler, Viehe and Wood—11.

The report was concurred in.

Mr. Leeper, from the committee on banks, reported Senate Bill No. 89, "An act repealing an act entitled an act to provide for the organization of Savings Banks and the safe and proper management of their affairs, approved May 12, 1869," with the report of the committee that it be indefinitely postponed.

Which was placed on file without reading.

Mr. Taylor's motion to change the rule requiring the Senate to meet at 10 o'clock, etc., coming up, Mr. Harris moved to strike out in reference to night sessions.

Which was agreed to.

The question being on the adoption of the motion changing the hour for meeting of the Senate from 10 to 9 o'clock, A. M., Messrs. Foster and Benz demanded the ayes and noes, which being ordered and taken resulted as follows:

Those who voted in the affirmative were: Senators Benz, Burrell, Cadwallader, Coffey, Comstock, Davis, Donham, Foster, Fowler, Garrigus, Grubbs, Harris, Hart, Hefron, Heilman, Mahlo, Kramer, Leeper, Major, Menzies, Mercer, Moore, Olds, Peterson, Poindexter, Reiley, Sarnighausen, Shaffer, Shirk, Smith, Wright, Tarlton, Taylor, Traylor, Treat, Trusler, Urmstan, Viehe, Weir, Wood and Woollen—42.

Those who voted in the negative were: Senators Dice and Langdon—2.

The motion as amended was agreed to.

Mr. Foster moved to take up House Bills on first reading.

Which was agreed to.

Engrossed House Bill No. 9, entitled "An act to regulate the setting of corner stones or monuments in public highways," was taken up.

Read the first time and referred to the committee on the judiciary.

Engrossed House Bill No. 7, entitled "An act regulating the working of coal mines and declaring a lien upon the works and machinery for work and labor in mining coal, and for the royalty on coal, and providing penalty for the violation thereof, providing for the appointment of inspectors, and declaring an emergency."

Read the first time and referred to the committee on mines.

Engrossed House Bill No. 14, entitled "An act to amend section of an act entitled an act to provide for the incorporation of any public or private cemetery already laid out and recorded, where any of the lots therein are occupied for the burial of the dead, and to provide for its maintenance, improvements and additions thereto, the collection of assessments thereon, and the election of officers for the government, approved March 9, 1875."

Read the first time and referred to the committee on rights and privileges.

Engrossed House Bill No. 15, entitled "An act to legalize the election held in the year 1878, in the town of Edinburg, in Johnson county, Indiana, and to legalize the official acts of the board of trustees of said town, and to legalize the acts of all other officers of said corporation for said year, under an act for the incorporation of towns, etc., approved June 11, 1852, and to legalize all by-laws, rules, regulations and proceedings of said board of trustees, and of all other officers adopted in pursuance thereof, approved June 11, 1852, and declaring an emergency."

Read the first time, and referred to the committee on corporations.

Engrossed House Bill No. 17, entitled "An act to repeal an act entitled an act to authorize aid to the construction of railroads in counties and townships taking stock in and making donations to railroad companies, approved May 12, 1869, and acts supplementary thereto, approved January 3, 1873, approved March 11, 1875."

Read the first time and referred to the committee on rights and privileges.

Engrossed House Bill No. 35, entitled "An act to amend section 64 of an act entitled an act providing for the election and qualification of justices of the peace, and defining their jurisdiction, powers and duties in civil cases, approved June 9, 1852."

Read the first time and referred to the committee on the judiciary.

Engrossed House Bill No. 135, entitled "An act to legalize the acts of the board of trustees of the town Shelburn, Sullivan county, Indiana," etc.

Read the first time and referred to the committee on corporations.

Engrossed House Bill No. 141. "An act to legalize the official acts of the board of trustees of the town of Boonville, Warren county, Indiana, and all other officers of said corporation under the act for the incorporation of towns, defining their powers, providing for the election of the officers thereof, and declaring the duties, approved June 11, 1852, and declaring an emergency."

Read the first time and referred to the committee on corporations.

Engrossed House Bill No. 158, entitled "An act in relation to settlements made by boards of county commissioners with county township and school officers."

Read the first time and referred to the committee on the judiciary.

the Lieutenant-Governor laid before the Senate a communication from the superintendent and board of managers of the Indiana Reformatory Institution for Women and Girls, in relation to the number of officers, their occupation and compensation, etc.

Which, on motion of Mr. Leeper, was referred to the committee on benevolent and reformatory institutions without reading.

Engrossed House Concurrent Resolution instructing our Senators and Congress to use their endeavors to secure the modification of the internal revenue laws so as to allow farmers growing tobacco to sell the same in small quantities in leaf or twist without license, was taken up and read.

Mr. Heilman moved that it be indefinitely postponed.

Which was agreed to.

House Joint Resolution No. 13, entitled "A joint resolution instructing our Senators and Representatives to procure the enactment of a law to reduce the salaries of federal officers coming up."

Mr. Harris moved that it be indefinitely postponed.

Which was agreed to.

Mr. Shirk introduced Senate Bill No. 420, entitled "An act to amend section 24 of an act entitled an act to establish a House of Correction for the correction and reformation of juvenile offenders, approved March 8, 1867."

Read the first time and referred to the committee on benevolent institutions.

Mr. Comstock moved that Senate bills on second reading be taken

Which motion was agreed to.

Senate Bill No. 24, entitled "An act to enforce the attendance of witnesses who have been subpoenaed, and to avoid the expense of subpoenaing witnesses a second time in civil causes in cases of contumaciousness," was taken up and read the second time with the report of the committee.

Mr. Burrell moved that the bill and report of the committee be indefinitely postponed.

Which was agreed to.

Senate Bill No. 40, entitled "An act to amend section 1 of an act entitled an act to exempt property from sale in certain cases, approved March 8, 1867."

proved February 17, 1852," was taken up and read the second time with the report of the committee recommending its passage.

Mr. Harris moved that all bills on the subject of homesteads made the special order for Tuesday at 2 o'clock P. M.

Which was agreed to.

Mr. Traylor, by request, introduced Senate Bill No. 421, entitled "An act concerning parties to actions."

Read the first time and referred to the committee on the judiciary.

Mr. Grubbs introduced Senate Bill No. 422, entitled "An act to amend section 18 of an act entitled an act regulating descents and the apportionment of estates, approved May 14, 1852, and provisions supplemental thereto."

Read the first time, and referred to the committee on the judiciary.

Mr. Burrell moved that Senate Bill No. 180 be taken up.

Which was agreed to.

Senate Bill No. 180, entitled "An act to amend section 12 of an act entitled an act regulating the granting of divorces, nullification of marriages, and decrees and orders of courts incidental thereto, and repealing all laws conflicting with this act and declaring emergency, approved March 10, 1873," was taken up and read the second time, with the report of the committee.

Which was concurred in.

Mr. Foster moved to amend as follows: Strike out the words "printed" wherever it occurs in the bill.

Which was agreed to and the bill ordered engrossed.

Mr. Menzies, by request, introduced Senate Bill No. 423, entitled "An act to amend section 1 of an act entitled an act regulating foreign insurance companies doing business in this State, prescribing the duties of the agents thereof, and of the Auditor of State in connection therewith, and prescribing penalties for the violation of the provisions of this act, approved December 21, 1865, and adding supplemental section thereto, approved March 3, 1877."

Which was referred to the committee on insurance without reporting.

Mr. Wood moved that the substitute for Senate Bill No. 18, taken up and ordered engrossed.

Which motion was agreed to.

The Senate adjourned.

(Approved.)

ISAAC P. GRAY,
President of the Senate

WEDNESDAY MORNING.

FEBRUARY 19, 1879.

The Senate met at 9 o'clock, A. M. Lieutenant-Governor Gray took the chair.

The session was opened with prayer by W. B. F. Treat.

Mr. Burrell demanded a call of the Senate, which being ordered, the following Senators responded to their names:

Senators Benz, Briscoe, Burrell, Cadwallader, Coffey, Comstock, Convent, Donham, Foster, Garrigus, Grubbs, Harris, Hart, Hebron, Kilman, Kahlo, Kent, Kramer, Menzies, Mercer, Peterson, Ragan, Wiley, Shaffer, Shirk, Smith, Streight, Tarlton, Taylor, Traylor, Treat, Trusler, Viehe, Weir, Wood and Woollen—36.

Mr. Foster moved that Mr. Taylor be sent for.

Which was agreed to.

Mr. Burrell moved that further proceedings under the call be dispensed with.

Which was agreed to.

Leave of absence was asked and obtained for Mr. Davis until Monday.

The Journal of yesterday was read and approved.

Mr. Sarnighausen presented a claim of James Lillie for \$1,200 for erection of workshop at the Northern Prison.

Which was referred to the committee on claims.

Mr. Viehe moved that Senate Bill No. 195, in reference to the exemption of real estate, etc., and all other bills on the same subject be made the special order for Friday at 10 o'clock A. M.

Which was agreed to.

Mr. Leeper moved that Senate Bill No. 338, entitled "An act for protection of wild game," etc., be taken up.

Mr. Harris moved that it be made the special order as soon as it comes on third reading are disposed of.

Which was accepted by Mr. Leeper and agreed to by the Senate.

Mr. Foster moved that House Bill No. 184, entitled "An act to prevent the practice of resorting to distant courts to oppress the citizens of Indiana and deprive them of their rights under the statute of Indiana," be taken up.

Which was agreed to by the Senate on a division of 17 to 14.

Senate Bill No. 184 was then taken up and read with the report of the committee recommending its passage.

The report of the committee was concurred in.

Mr. Harris moved that further consideration of the bill be postponed until 3 o'clock P. M., and that at that hour it be further considered in connection with Senate Bill No. 56, on the same subject.

Which was agreed to.

The Senate returned to the regular order of business.

Senate Bill No. 34, entitled "An act providing for voluntary assignments of real and personal property in trust for the benefit of creditors by insolvents, and regulating the mode of administering the same, prescribing in what manner and in what cases a discharge may be granted to such insolvent, and repealing all laws in conflict with the provisions of this act."

Was taken up and read a third time.

The question being, shall the bill pass?

The ayes and noes were ordered and taken, resulting as follows:

Those who voted in the affirmative were: Senators Comstock, Dice, Garrigus, Grubbs, Hefron, Langdon, Major, Treat and Winterbotham—9.

Those who voted in the negative were: Senators Benz, Briscoe, Burrell, Cadwallader, Coffey, Davenport, Donham, Foster, Fowler, Hart, Heilman, Kahlo, Kent, Kramer, Leeper, Menzies, Mercer, Olds, Peterson, Ragan, Reiley, Sarnighausen, Shirk, Smith, Streight, Tarlton, Traylor, Trusler, Urmstan, Viehe, Weir, Wilson, Wood and Woollen—34.

The bill failed to pass.

Mr. Viehe moved to reconsider the vote by which Senate Bill No. 34 failed to pass.

Mr. Menzies moved to lay the motion on the table.

The ayes and noes being demanded by Messrs. Menzies and Urmston, they were ordered and taken, resulting as follows:

Those who voted in the affirmative were: Senators Benz, Briscoe, Burrell, Cadwallader, Davenport, Dice, Donham, Foster, Fowler, Hart, Heilman, Kahlo, Kramer, Major, Menzies, Mercer, Peterson, Reiley, Shirk, Streight, Tarlton, Traylor, Trusler, Urmstan, Wilson and Woollen—26.

Those who voted in the negative were: Senators Coffey, Comstock, Garrigus, Grubbs, Harris, Hefron, Kent, Langdon, Leeper, Olds, Ragan, Sarnighausen, Shaffer, Smith, Treat, Viehe, Weir, Winterbotham and Wood—19.

The motion was agreed to.

Senate Bill No. 18, entitled "An act to declare all canal land patents issued by the trustee of the Wabash and Erie canal, and all canal land patents that may be hereafter issued, and the record thereof in the recorder's office in any county in this State where canal land herein described lies, and duly certified copies of such record, as evidence of title to any canal land therein described, in any court of record in this State, and all canal land patents heretofore issued and not recorded, and all that may be hereafter issued, shall be recorded in the record of deeds in the recorder's office of the county in which the land therein described is situate," was taken up and read the third time.

The question being, shall the bill pass?

The ayes and noes were ordered and being taken resulted as follows:

Those who voted in the affirmative were: Senators Benz, Briscoe, Burrell, Cadwallader, Coffey, Comstock, Davenport, Donham, Foster, Fowler, Garrigus, Grubbs, Harris, Hart, Hefron, Kahlo, Kent, Kramer, Langdon, Leeper, Major, Menzies, Mercer, Olds, Peterson, Ragan, Reiley, Sarnighausen, Shaffer, Shirk, Smith, Streight, Tarlton, Traylor, Treat, Trusler, Urmstan, Weir, Wilson, Winterbotham, Wood and Woollen—42.

No one voting in the negative.

The bill passed.

The title of the bill was then read and ordered by the Senate to be approved.

The resolution of Mr. Burrell coming up in reference to the appointment of an additional doorkeeper.

The ayes and noes were demanded by Messrs. Garrigus and Ragan.

Which being ordered and taken resulted as follows:

Those who voted in the affirmative were: Senators Benz, Briscoe, Burrell, Foster, Fowler, Hefron, Kahlo, Kent, Leeper, Major, Olds, Reiley, Sarnighausen, Shaffer, Smith, Tarlton, Traylor, Treat, Urman, Van Stan, Viehe, Winterbotham, Wood and Woollen—23.

Those who voted in the negative were: Senators Cadwallader, Comstock, Donham, Garrigus, Grubbs, Harris, Hart, Kramer, Langdon, Menzies, Mercer, Peterson, Ragan, Shirk, Streight, Trusler and Weir—17.

The resolution was adopted.

Mr. Woollen submitted a report from the conference committee on House Resolution No. 9, in reference to the employment of Mr. McDaniel to superintend the heating and ventilating of the House and the purchase of statutes for the use of the Senate.

Leave of absence was obtained for Mr. Poindexter for the day also Mr. Streight for the day.

The Senate adjourned.

AFTERNOON SESSION.

FEBRUARY 19, 1879.

The Senate reassembled at 2 o'clock P. M. Lieutenant-Governor Gray in the chair.

Mr. Langdon moved to lay the report of the conference committee on the table.

Mr. Menzies demanded a call of the Senate.

Which being ordered the following Senators responded to their names:

Senators Benz, Briscoe, Burrell, Cadwallader, Coffey, Comstock, Davenport, Dice, Donham, Foster, Grubbs, Harris, Hart, Hefron, Heilman, Kahlo, Kent, Kramer, Langdon, Major, Menzies, Mercer, Moore, Olds, Peterson, Ragan, Reiley, Sarnighausen, Shirk, Smith,

ton, Traylor, Treat, Trusler, Urmstan, Viehe, Wier, Wilson, Wood and Woollen—40.

Mr. Dice moved that absentees be sent for.

Which was agreed to.

On motion of Mr. Traylor further proceedings under the call were dispensed with.

The question being on the motion to lay the report of the conference committee on the table.

Messrs. Burrell and Benz demanded the ayes and noes, which being ordered and taken, resulted as follows:

Those who voted in the affirmative were: Senators Cadwallader, Comstock, Davenport, Dice, Garrigus, Grubbs, Harris, Hefron, Heilman, Kahlo, Langdon, Moore, Olds, Ragan, Shaffer, Shirk, Smith, Treat, Trusler and Wier—20.

Those who voted in the negative were: Senators Benz, Briscoe, Burrell, Coffey, Donham, Foster, Fowler, Hart, Kent, Kramer, Leeper, Major, Menzies, Mercer, Moore, Peterson, Reiley, Sarnigsen, Tarlton, Traylor, Urmstan, Viehe, Wilson, Wood and Woollen—25.

The motion was rejected.

Leave of absence was obtained for Mr. Harris for the afternoon.

The question recurring on concurring in the report of the conference committee.

The ayes and noes were demanded by Messrs. Ragan and Garrigus. Which being ordered and taken resulted as follows:

Those who voted in the affirmative were: Senators Benz, Briscoe, Burrell, Coffey, Donham, Foster, Fowler, Hart, Hefron, Kent, Kramer, Leeper, Major, Menzies, Mercer, Peterson, Reiley, Sarnigsen, Smith, Tarlton, Traylor, Trusler, Urmstan, Viehe, Wilson, Waterbotham, Wood and Woollen—28.

Those who voted in the negative were: Senators Cadwallader, Comstock, Davenport, Dice, Garrigus, Grubbs, Harris, Heilman, Kahlo, Langdon, Moore, Olds, Ragan, Shaffer, Shirk, Taylor, Treat and Wier—18.

The report was concurred in.

Mr. Viehe demanded the previous question.

Which was seconded by the Senate.

The main question was ordered.

The question being on the House Concurrent Resolution No.

The ayes and noes were demanded by Messrs. Ragan and Fowler.

Which being ordered and taken, resulted as follows:

Those who voted in the affirmative were: Senators Benz, Briscoe, Burrell, Coffey, Davenport, Donham, Foster, Fowler, Hart, Hefron, Kent, Kramer, Leeper, Major, Menzies, Peterson, Reiley, Sarnighausen, Smith, Tarlton, Taylor, Traylor, Trusler, Urmstan, Vial, Wilson, Winterbotham, Wood and Woollen—29.

Those who voted in the negative were: Senators Cadwallader, Comstock, Dice, Garrigus, Grubbs, Heilman, Kahlo, Langdon, Mercer, Moore, Olds, Ragan, Shaffer, Shirk, Trea and Weir—1.

The resolution was adopted.

The question recurring on House Resolution No. 9.

Messrs. Ragan and Garrigus demanded the ayes and noes.

Which being ordered and taken resulted as follows:

Those who voted in the affirmative were: Senators Benz, Briscoe, Burrell, Coffey, Donham, Foster, Fowler, Hart, Hefron, Kent, Kramer, Leeper, Major, Menzies, Peterson, Reiley, Sarnighausen, Tarlton, Traylor, Urmstan, Viehe, Winterbotham, Wood and Woollen—24.

Those who voted in the negative were: Senators Cadwallader, Comstock, Davenport, Dice, Garrigus, Grubbs, Heilman, Kahlo, Langdon, Mercer, Moore, Olds, Ragan, Shaffer, Shirk, Smith, Taylor, Treat, Trusler, Weir and Wilson—21.

The resolution was adopted.

On motion of Mr. Taylor, Senate Bill No. 122, entitled "An act to provide for the repair of free turnpike roads in the various counties of this State," etc., was recommitted to the committee on roads.

Mr. Comstock, from the committee on insurance, reported Senate Bill No. 423, entitled "An act to amend section 1 of an act entitled an act regulating foreign insurance companies doing business in the State," etc., with the report of the committee recommending passage.

Which was placed on file without reading.

Senate Bill No. 37, entitled "An act to enable the boards of commissioners of the several counties of the State of Indiana to dispose

all allowances made and orders drawn upon the county treasurer their respective counties, when said allowances or orders have remained uncalled for for the period of five years or more," was then up and read the third time.

The question being, shall the bill pass?

The ayes and noes were ordered, and being taken resulted as follows:

Those who voted in the affirmative were: Senators Benz, Briscoe, Carroll, Cadwallader, Comstock, Davenport, Dice, Donham, Foster, Fowler, Garrigus, Grubbs, Hart, Hefron, Heilman, Kahlo, Kent, Kramer, Langdon, Leeper, Major, Menzies, Mercer, Moore, Olds, Peterson, Ragan, Reiley, Sarnighausen, Shaffer, Shirk, Smith, Tarlton, Taylor, Traylor, Treat, Trusler, Viehe, Weir, Wilson, Winterham, Wood and Woollen—43.

Those who voted in the negative were: Senators Coffey and Constan—2.

The bill passed.

The title was then read and ordered by the Senate to stand approved.

The chair announced the special order to be consideration of bills 184 and No. 56.

Mr. Foster offered the following amendment to Senate Bill No. 56:

Amend section 1 as follows:

First. Insert after the word "Indiana," in line 5, the following: "On the subject of the exemption of property from levy and sale on execution or in attachment or garnishment."

Second. Strike out of section 1 the words "to exempt personal earnings from application to the payment of debts in certain cases."

Third. Amend by inserting after the word "attachment," in line 10 the following: "Garnishment or other mesne process."

Fourth. Amend section 2 by inserting after the word "attachment," in line 22, the following: "Garnishment or other process to satisfy the wages or personal earnings of the debtor."

Which was agreed to, and the bill ordered engrossed.

Senate Bill No. 56 was taken up and read the second, time with report of the committee recommending its passage.

Which was rejected.

Mr. Kahlo offered the following amendment:

Amend the bill by striking out all after the enacting clause and insert the following :

Hereafter no court in this State shall have or entertain jurisdiction in any action of attachment, garnishment or supplementary proceeding where the plaintiff and principal defendant are both non-residents of this State, and the money sought to be reached by such attachment, garnishment or supplementary proceeding is the personal earnings or wages due or owing to the principal defendant from any person or corporation doing business in this State.

Amend by striking out the second section.

Amend by striking out the third section.

Mr. Hefron moved that the bill and amendment be referred to a special committee of three, with instruction to report to-morrow at 2 o'clock, P. M.

Which was agreed to.

The chair appointed as special committee, Messrs. Hefron, Kahler and Grubbs.

Senate Bill No. 43, entitled "An act to exempt the wages of laborers from garnishment, and proceedings supplemental to execution in certain cases."

Was taken up and read the third time.

The question being, shall the bill pass?

The ayes and noes were ordered and being taken, resulted as follows :

Those who voted in the affirmative were: Senators Briscoe, Burdell, Cadwallader, Coffey, Comstock, Davenport, Donham, Foster, Fowler, Garrigus, Grubbs, Harris, Hart, Hefron, Heilman, Kahler, Kent, Kramer, Langdon, Leeper, Major, Menzies, Mercer, Moore, Olds, Peterson, Ragan, Shaffer, Shirk, Smith, Tarlton, Traylor, Treat, Trusler, Weir, Wilson, Winterbotham and Wood—38.

Those who voted in the negative were: Senators Benz, Dice and Urmstan—3.

The bill passed.

The title was then read and ordered by the Senate to stand approved.

Senate Bill No. 47, entitled "An act to enable owners of wet land to drain and reclaim the same," etc., was taken up and read the third time.

the question being, shall the bill pass?

The yeas and noes were ordered and taken resulting as follows:

Those who voted in the affirmative were: Senators Benz, Briscoe, Bell, Cadwallader, Comstock, Davenport, Dice, Donham, Fowler, Grubbs, Harris, Hart, Hefron, Heilman, Kent, Kramer, Langdon, Major, Menzies, Mercer, Olds, Peterson, Ragan, Shirk, Tarlton, Taylor, Traylor, Treat, Trusler, Urmstan, Weir and Wood—35.

Senator Winterbotham voting in the negative.

The bill passed.

The title was then read and ordered by the Senate to stand approved.

Senate Bill No. 119, entitled "An act to repeal an act to establish a superior court in the county of Cass, etc., was taken up and read a third time.

The question being, shall the bill pass?

The yeas and noes were ordered and taken resulting as follows:

Those who voted in the affirmative were: Senators Briscoe, Cadwallader, Comstock, Davenport, Dice, Donham, Foster, Fowler, Grubbs, Harris, Hart, Hefron, Heilman, Kahlo, Kramer, Langdon, Leeper, Menzies, Mercer, Moore, Olds, Peterson, Ragan, Sarnighausen, Shaffer, Shirk, Smith, Tarlton, Taylor, Treat, Urmstan, Viehe, Weir, Wilson and Wood—38.

Those who voted in the negative were: Senators Benz, Burrell, Major, Taylor and Winterbotham—6.

The bill passed.

The title was read.

Grubbs offered the following substitute for the title: "An act to repeal an act entitled an act to establish a superior court in the county of Cass, defining its jurisdiction and providing for the compensation and compensation of a judge thereof, and other matters connected therewith, and declaring an emergency, approved March 3, 1881, and providing for the disposition of the business thereof, defining what counties shall constitute the twenty-ninth and thirty-first judicial circuits of the State of Indiana, and fixing the time of holding courts therein, and repealing all laws and parts of laws inconsistent therewith."

which was agreed to.

The title, as amended by substitute, was ordered to stand proved by the Senate.

The chair laid before the Senate a communication from the Auditor of State in relation to claims filed by judges for services.

Which, on motion of Mr. Burrell, was returned to the Auditor as not being in full compliance with the resolution of the Senate.

Senate Bill No. 180, entitled "An act in relation to divorce, nullification of marriages," etc., was taken up and read the third time.

The question being, shall the bill pass?

The ayes and noes were ordered and taken, resulting as follows:

Those who voted in the affirmative were: Senators Benz, Burrell, Cadwallader, Coffey, Comstock, Davenport, Donham, Foster, Fowler, Grubbs, Hart, Hefron, Kent, Kramer, Lee, Major, Mercer, Olds, Peterson, Ragan, Reiley, Sarnighausen, Shaffer, Shirk, Smith, Tarlton, Taylor, Traylor, Treat, Urmschlag, Viehe, Weir, Winterbotham and Wood—35.

Those who voted in the negative were: Senators Dice, Harlan, Langdon and Wilson—4.

The bill passed.

The title was then read and ordered by the Senate to stand proved.

Mr. Briscoe introduced Senate Bill No. 424, entitled "An act to amend sections 1, 4, 5, 12, 16 and 18, and to repeal sections 10 and 11 of an act entitled an act fixing the fees, salaries, duties and compensation of the officers and persons named therein, prohibiting violation of its provisions, and repealing certain laws, approved March 12, 1875."

Which was referred to the committee on fees and salaries without reading.

The following message was received from the House by the Clerk thereof:

MR. PRESIDENT:

I am directed by the Speaker of the House of Representatives to inform the Senate that the House has passed Engrossed Senate Bill No. 58, entitled "An act concerning prisoners in jail," with the following amendments: Amend section 4 after the word "sheriff," line 9 of said section, by adding the following, to-wit: And shall

in any incorporated town the marshal thereof, and if in any street commissioner thereof, so far as the same is practicable." m further directed by the Speaker of the House to inform the e that the House has passed Engrossed Senate Bill No. 101, ed "An act to repeal the act approved March 6, 1865, entitled t to authorize the formation of companies for the construction ater works in and for incorporated cities," etc.

m further directed by the Speaker of the House to inform the e that the House has passed Engrossed Senate Bill No. 268, ed "An act to fix the times of holding courts in the second al circuit of the State of Indiana, prescribing the length of thereof, repealing all laws in conflict therewith, and declaring emergency."

m further directed by the Speaker of the House to inform the e that the House has passed Engrossed Senate Bill No. 30, en- an act to authorize guardians to settle the estates of deceased ."

m further directed by the Speaker of the House to inform the e that the House has passed engrossed House Bill No. 122, ed "An act supplemental to an act entitled an act to authorize and towns to negotiate and sell bonds to procure means with a to erect and complete unfinished school buildings and to pur- any grounds and buildings for school purposes, and to pay contracted for such erection and completion and purchase of ings and grounds, and authorizing the levy and collection of dditional school tax for the payment of such bonds, approved h 8, 1873."

d the same are herewith transmitted to the Senate for its action on.

. Shirk moved to recommit Senate Bills Nos. 108 and 109 to ommittee on benevolent and reformatory institutions.

hich was agreed to.

e Senate adjourned.

(Approved.)

ISAAC P. GRAY,
President of the Senate.

THURSDAY MORNING.

FEBRUARY 20, 1879.

The Senate met at 9 o'clock. Lieutenant-Governor Gray in the chair.

The session was opened with prayer by Rev. E. Moses Broyles.

The Journal of yesterday was read and approved.

The chair laid before the Senate a communication from the president and superintendent of the Asylum for the Deaf and Dumb in relation to the number of employes, their occupation and compensation, etc.

Which was referred to the committee on benevolent and reformatory institutions without reading.

Mr. Leeper moved that Senate Bill No. 338, entitled "An act providing for the protection of wild game, and defining the time and manner within which the same may be taken, killed, sold and otherwise disposed of," etc., be taken up.

Which was agreed to.

On motion of Mr. Burrell the special order for 10 o'clock was postponed until 2 o'clock.

Leave of absence was obtained for Mr. Viehe and Mr. Davis until 2 P. M.

Senate Bill No. 338 was read the second time, with the report of the committee recommending its passage.

Which was concurred in.

Mr. Weir offered the following amendment to section 12:

Amend by adding to section 12, *Provided, however*, The trapping and netting of wood duck, and the freighting and transportation of the same when alive, for the purpose of propagating, and not the destruction of the species, shall be excepted from the provisions of this act.

Which was rejected.

Mr. Briscoe offered the following amendment to section 3:

Amend section 3 of said act by inserting the words "making it

lawful to shoot or kill any wild turkey between the first day of January and the first day of November of each year."

Which was adopted.

Mr. Coffey offered the following amendment:

Amend section 3 by striking out the word "January" and insert word "February."

Which was rejected.

Mr. Treat offered the following amendment:

It shall be unlawful to shoot, snare, trap, or poison or destroy in any way squirrels during the months of February, March and April each year. And each and every offense against this provision of act shall subject the perpetrator thereof to a fine of not less than nor more than two dollars for each squirrel so killed or destroyed contrary to the provisions of this act.

Which was rejected.

Mr. Leeper moved that the bill be considered engrossed, read the third time now and put upon its passage, and on that motion decided the previous question.

The previous question was ordered.

The question being on the suspension of the constitutional rule. The yeas and noes were ordered, and taken resulting as follows:

Those who voted in the affirmative were: Senators Benz, Briscoe, Bell, Cadwallader, Coffey, Comstock, Davenport, Dice, Donham, Miller, Grubbs, Harris, Hart, Hefron, Heilman, Kahlo, Kramer, Leeper, Major, Menzies, Mercer, Moore, Peterson, Ragan, Reiley, Righausen, Shaffer, Shirk, Smith, Streight, Tarlton, Taylor, Tylor, Treat, Trusler, Urmstan, Viehe, Wilson, Winterbotham, Wood and Woollen—42.

Those who voted in the negative were: Senators Foster and Leeper—2.

The constitutional rule was suspended.

Senate Bill No. 338 was then read the third time.

Mr. Leeper moved the previous question.

Which was seconded by the Senate.

The question being, shall the bill pass?

The yeas and noes were ordered and taken, resulting as follows:

Those who voted in the affirmative were: Senators Benz, Briscoe,

Burrell, Cadwallader, Coffey, Comstock, Davenport, Dice, Donb, Fowler, Garrigus, Grubbs, Harris, Hart, Hefron, Heiman, Ka, Kent, Kramer, Langdon, Leeper, Major, Menzies, Mercer, Mo, Olds, Peterson, Ragan, Reiley, Sarnighausen, Shaffer, Shirk, Sm, Streight, Tarlton, Taylor, Traylor, Treat, Trusler, Wilson, Wi, botham, Wood and Woollen—43.

Those who voted in the negative were: Senators Foster, Ustan and Weir—3.

The bill passed.

The title was then read and ordered by the Senate to stand proved.

The following message was received from the House, by the Cl thereof:

MR. PRESIDENT:

I am directed by the Speaker of the House to inform the Sen that the House has passed enrolled House Bill No. 271, entitled "act to amend sections 1, 2, 4 and 5 of an act entitled an act authorizing street or horse car railway companies to use State, county township roads, or other public highways, for their railway under certain conditions and regulations, and declaring an emergency, proved March 6, 1866."

I am further directed by the Speaker of the House to inform Senate that the House has passed Engrossed House Bill No. 3 entitled "An act authorizing county sheriffs to administer oaths in certain cases."

I am further directed by the Speaker to inform the Senate that the House has passed Engrossed House Bill No. 446, entitled "act concerning decedents' estates," etc.

I am further directed by the Speaker to inform the Senate that the House has passed Engrossed House Bill No. 12, entitled "act to legalize the incorporation of the city of Seymour, Jackson county, Indiana, and all the official acts done by the common council and officers of said city, to legalize all bonds issued and all taxes levied by the common council and officers of said city, and legalizing the passage of all the ordinances of said city, numbered 143 to 182 inclusive, and providing that the proof of the passage of said ordinances and the incorporation of said city shall be made in court of justice, and declaring an emergency."

am further directed by the Speaker of the House to inform the Senate that the House has passed engrossed House bill No. 132, entitled "An act to provide for the issuing of letters testamentary and orders of administration, and to repeal sections 1 and 7 of chapter 10 of an act providing for the settlement of decedents' estates, preserving the rights, liabilities and duties of officers connected with the management thereof and heirs thereto, and certain forms to be used in such settlements, approved June 17, 1852."

am further directed by the Speaker to inform the Senate that the House has passed engrossed House bill No. 88, entitled "An act to amend an act entitled an act defining vagrancy and other offences therein specified, providing penalties, authorizing arrests of suspected persons without warrant, providing a method of examination, authorizing search of places where unlawful practices are carried on, and arrest of inmates without warrant, and conferring certain powers of jurisdiction on policemen and other peace officers, mayors and justices, declaring it a cumulative statute and emergency, and containing other provisions pertinent to the subject matter of the act, approved March 15, 1877."

am further directed by the Speaker to inform the Senate that the House has passed engrossed House bill No. 455, entitled "An act to facilitate and authorize the transfer to the United States of the title of the State of Indiana to the Antietam National Cemetery in the State of Maryland."

am further directed by the Speaker to inform the Senate that the House has passed Engrossed House Bill No. 497, entitled "An act to amend an act entitled an act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of the State," etc.

am further directed by the Speaker to inform the Senate that the House has passed Engrossed Senate Bill No. 6, entitled "An act to legalize the acknowledgment and recording of certain instruments."

The same are herewith transmitted to the Senate for its action thereon.

Mr. Shirk moved to take up Senate Bill No. 69, "An act to provide for the organization and support of an asylum for feeble-minded children."

Which was agreed to on a division of the Senate by a vote of 18 yeas and 3 nays.

Senate Bill No. 69 was then taken up and read the second time with the report of the committee recommending that the bill pass after certain amendments.

The question being on concurring in the report of the committee.

By consent of the Senate further consideration was postponed until the conclusion of the reading of the Journal to-morrow morning.

Mr. Shaffer moved that the committee on roads be requested to return Senate Bill No. 122, "An act to provide for the repair of free turnpike roads in the various counties of this State," etc., that it take its regular place upon the calendar.

Which was agreed to.

Mr. Menzies moved to take up Senate Bill No. 140, "An act to authorize the surrender of city charters," etc.

Which was agreed to.

Senate Bill No. 140 was then taken up and read with the report of the committee recommending its passage after certain amendments.

The question being on concurring in the report of the committee.

The report of the committee was adopted.

Mr. Menzies moved that the constitutional rule be suspended, the bill considered engrossed, read the third time and put upon its passage now.

The question being on the motion to suspend the constitutional rule.

The ayes and noes were ordered and taken, resulting as follows:

Those who voted in the affirmative were: Senators Burrell, Coffey, Comstock, Davenport, Dice, Donham, Foster, Fowler, Garrigus, Grubbs, Harris, Hart, Hefron, Heilman, Kramer, Langdon, Leeper, Major, Menzies, Mercer, Moore, O'Connell, Peterson, Ragan, Reiley, Sarnighausen, Shaffer, Shirk, Streight, Tarlton, Taylor, Traylor, Treat, Trusler, Urmstan, Vail, Weir, Wilson, Winterbotham, Wood and Woollen—44.

No one voting in the negative.

The constitutional rule was suspended.

Senate Bill No. 140 was then read the third time.

The question being, shall the bill pass?

The ayes and noes were ordered and taken, resulting as follows:

Those who voted in the affirmative were: Senators Benz, Briscoe, Burrell, Cadwallader, Comstock, Davenport, Dice, Donham, Foster, Fowler, Garrigus, Grubbs, Harris, Hart, Heilman, Kahlo, Kent, Kramer, Langdon, Leeper, Major, Menzies, Mercer, Moore, Olds, Peterson, Poindexter, Ragan, Reiley, Sarnighausen, Shaffer, Shirk, Smith, Streight, Tarlton, Taylor, Traylor, Treat, Trusler, Urmstan, Viehe, Weir, Wilson, Winterbotham, Wood and Woollen—46.

Senator Hefron voting in the negative.

The bill passed.

The title was then read, and ordered by the Senate to stand approved.

Mr. Viehe moved that Senate Bill No. 254, entitled "An act to provide for the payment of judges holding courts and attorneys holding courts in certain cases," etc., be taken up and read the second time.

Which was agreed to.

The bill was then taken up and read the second time, with the report of the committee recommending its passage.

Which was concurred in:

Mr. Viehe moved that the constitutional rule be suspended, the bill considered engrossed and put upon its passage.

The question being on the motion to suspend the constitutional rule.

The ayes and noes were ordered and taken, resulting as follows:

Those who voted in the affirmative were: Senators Benz, Briscoe, Burrell, Cadwallader, Coffey, Comstock, Davenport, Dice, Donham, Foster, Fowler, Garrigus, Grubbs, Harris, Hart, Hefron, Heilman, Kahlo, Kent, Kramer, Langdon, Leeper, Major, Mercer, Moore, Olds, Peterson, Poindexter, Ragan, Reiley, Sarnighausen, Shaffer, Shirk, Smith, Streight, Tarlton, Taylor, Traylor, Treat, Trusler, Urmstan, Viehe, Weir, Wilson, Winterbotham and Woollen—46.

No one voting in the negative.

The constitutional rule was suspended.

Senate bill No. 254 was then read the third time.

The question being, shall the bill pass?

The ayes and noes were ordered and taken, resulting as follows:

Those who voted in the affirmative were: Senators Benz, Burrell, Cadwallader, Coffey, Comstock, Davenport, Dice, Don Foster, Fowler, Garrigus, Grubbs, Harris, Hart, Hefron, Heil Kahlo, Kent, Kramer, Langdon, Leeper, Major, Mercer, Peterson, Poindexter, Ragan, Reiley, Sarnighausen, Shaffer, Smith, Streight, Tarlton, Taylor, Traylor, Treat, Trusler, Uman Viehe, Weir, Wilson, Winterbotham, Wood and Woollen—46.

No one voting in the negative.

The bill passed.

The title was then read and ordered by the Senate to stand proved.

Mr. Comstock moved to take up Senate Bill No. 194, entitled "An act defining who shall be competent witnesses in any court judicial proceedings," etc.

Which was agreed to.

Senate Bill No. 194 was taken up and read the second time with the report of the committee suggesting amendments, and when amended recommending its passage.

The Senate adjourned.

AFTERNOON SESSION.

FEBRUARY 20, 1879.

The Senate reassembled at 2 o'clock P. M., Lieutenant-Governor Gray in the chair.

Mr. Woollen moved that the special order for this hour be postponed until 10:30 o'clock to-morrow.

Which was agreed to.

Mr. Kent, from the committee on corporations, reported Senate Bill No. 141, entitled "An act to legalize the official acts of the board of trustees of the town of Booneville, Warrick county, Indiana, and other officers of said corporation," etc., with the report of the committee recommending its passage.

Which was placed on file without reading.

Mr. Viehe, from the committee on the judiciary, reported Senate Bill No. 209, entitled "An act authorizing appeals from boards of commissioners in cases of location or removal of county seats," with the report of the committee recommending its passage.

Which was placed on file without reading.

Mr. Viehe, from the committee on the judiciary, reported Senate Bill No. 411, entitled "An act to amend section fifteen of an act entitled an act concerning the partition of lands, approved May 20, 1852," with the report of the committee recommending that it be indefinitely postponed.

Which was placed on file without reading.

Mr. Viehe, from the committee on the judiciary, reported Senate Bill No. 349, entitled "An act declaring the rights of laborers and employes in collection of their wages," etc., with the report of the committee recommending that it lie on the table.

Which was placed on file without reading.

Mr. Grubbs, from the committee on the judiciary, reported Senate Bill No. 366, entitled "An act concerning laborers' and mechanics' liens," with the majority report of the committee recommending that the bill lie upon the table, and the minority report of the committee suggesting certain amendments, and when so amended, recommending its passage.

Which was placed on file without reading.

Mr. Grubbs, from the committee on the judiciary, reported Senate Bill No. 413, entitled "An act to prevent the mutilation or alteration of an instrument in writing," etc., with the report of the committee recommending its indefinite postponement.

Which was placed on file without reading.

Mr. Grubbs, from the committee on the judiciary, reported Senate Bill No. 416, entitled "An act to provide for the issuing of license to any person desiring to manage locomotive or stationary engines," etc., with the report of the committee recommending that it be indefinitely postponed.

Which was placed on file without reading.

Mr. Shirk, from the committee on rights and privileges, reported Senate Bill No. 395, entitled "An act to repeal an act entitled an act for the protection of the Sabbath," with the report of the committee recommending that it be indefinitely postponed.

Which was placed on file without reading.

Mr. Shirk, from the committee on benevolent and reformatory institutions, reported Senate Bill No. 420, entitled "An act to amend the twenty-fourth section of an act entitled an act to establish a house of refuge for the correction and reformation of juvenile offenders, approved March 8, 1867," with the report of the committee recommending its passage.

Which was placed on file without reading.

Mr. Shirk, from the committee on benevolent and reformatory institutions, reported Senate Bill No. 108, entitled "An act to secure to inmates of Insane Hospitals the right to communicate with persons outside," etc. Also, Senate Bill No. 109, entitled "An act to authorize inquisitions of insanity, and prescribing the mode of proceedings to punish violators thereof," etc., with the report of the committee recommending that two hundred copies of each bill be printed.

Which was placed on file without reading.

Mr. Winterbotham, from the committee on rights and privileges, reported engrossed House Bill No. 14, entitled "An act to amend section 1 of an act entitled an act to provide for the incorporation of any public or private cemetery," etc., with the report of the committee recommending its passage.

Which was placed on file without reading.

Mr. Tarlton, from the committee on agriculture, reported Senate Bills Nos. 390, 67 and 49, on the subject of live stock running at large, with the report of the committee recommending that Senate bill No. 390 do pass, with certain amendments, and that Senate bills Nos. 67 and 49 be indefinitely postponed.

Which was placed on file without reading.

Mr. Leeper, from the special committee, reported Senate Bill No. 312, entitled "An act to authorize the appointment of a commissioner of fisheries for the State of Indiana, defining his duties, and declaring an emergency," with the report of the committee suggesting certain amendments, and when so amended recommending passage.

Which was placed on file without reading.

Mr. Kramer, from the committee on county and township business, reported Senate Bill No. 369, entitled "An act to authorize the county commissioners to contract for the public printing of t

ty," etc., with the report of the committee recommending that it definitely postponed.

Which was placed on file without reading.

Mr. Kramer, from the committee on county and township business, reported Senate Bill No. 315, entitled "An act to authorize county commissioners to make purchases of stationary," etc., with the report of the committee recommending its passage.

Which was placed on file without reading.

Mr. Peterson, from the committee on rights and privileges, reported Senate Bill No. 160, entitled "An act to amend section 1 of an act entitled an act to amend section 3 of an act entitled an act for regulation of weights and measures," etc., with the report of the majority recommending its passage, and the report of the minority recommending that it do lie on the table.

Which was placed on file without reading.

Mr. Briscoe, from the committee on fees and salaries, reported Senate Bill No. 204, entitled "An act fixing the per diem and mileage of members of the General Assembly; also fixing the per diem pay of officers thereof, abolishing the office of janitor to the standing committees," etc., with the report of the committee recommending its passage after certain amendments.

Which was placed on file without reading.

Mr. Briscoe, from the committee on fees and salaries, reported Senate Bill No. 260, entitled "An act to amend sections 39 and 43 of an act entitled an act to provide a system of common schools," etc., with the report of the committee recommending that it be amended by striking out all after the enacting clause, and recommending the passage of a substitute therefor.

Which was placed on file without reading.

Mr. Peterson, from the committee on roads, reported Senate Bill No. 407, entitled "An act to amend section 7 of an act entitled an act authorizing boards of county commissioners to construct gravel, macadamized and paved roads," etc., with the report of the committee recommending its passage.

Which was placed on file without reading.

Mr. Peterson, from the committee on roads, reported Senate Bill No. 364, entitled "An act to vacate and sell a portion of the public lands in the town of Fremont, Steuben county, Indiana," with the report of the committee recommending its passage.

Which was placed on file without reading.

Mr. Weir, from the committee on rights and privileges, reported Senate Bill No. 395, entitled "An act to repeal an act entitled act for the protection of the Sabbath, and providing penalties for violation thereof, approved February 28, 1855, and declaring emergency," with the majority report of the committee recommending its indefinite postponement, and the minority report recommending its passage.

Which was placed on file without reading.

Mr. Burrell, from the committee on the judiciary, reported a petition of citizens of the State in reference to the exemption of wages from attachment, etc., with the report of the committee recommending that the petition lie on the table until Senate Bill No. 18 on the same subject, comes up for passage.

Mr. Trusler, from the committee on roads, reported Senate Bill No. 151, entitled "An act to amend sections 1 and 2 of an act entitled an act providing for the election and appointment of supervisors of highways, and prescribing certain of their duties and those of county and township officers thereto, and to repeal all laws inconsistent therewith, approved March 5, 1877," with the report of the committee recommending that it lie on the table.

Which was placed on file without reading.

Mr. Mercer, from the committee on rights and privileges, reported Senate Bill No. 389, entitled "An act to amend the thirteenth section of an act entitled an act authorizing the construction of plank macadamized and gravel roads, approved May 12, 1852," with the report of the committee recommending its passage.

Which was placed on file without reading.

Mr. Smith, from the committee on railroads, reported Senate Bill No. 317, entitled "An act to prohibit railway companies from discriminating in favor of public officials," with the report of the committee recommending that the bill be indefinitely postponed.

Which was placed on file without reading.

Mr. Comstock, from the committee on the judiciary, reported Senate Bill No. 325, entitled "An act to amend section 30 of the charter of the city of Evansville," with the report of the committee suggesting certain amendments, and when so amended recommending its passage.

Which was placed on file without reading.

Mr. Briscoe presented a petition from the citizens of Jay county, Indiana, on the subject of fees and salaries.

Which was referred to the committee on fees and salaries without reading.

Mr. Hefron, from the special committee, reported Senate Bill No. 36, entitled "An act to amend sections 175 and 176 of an act entitled an act to revise, simplify, and abridge the rules, practice, pleadings, and forms in civil cases," etc., with the report of the committee, suggesting certain amendments, and when so amended recommending its passage.

Which was placed on file without reading.

Mr. Wood, from the committee on railroads, reported Senate Bill No. 382, entitled "An act to amend sections 1 and 14 of an act entitled an act to authorize aid to the construction of railroads," etc., with the report of the committee, suggesting certain amendments, and when so amended recommending its passage.

Which was placed on file without reading.

Mr. Comstock moved to defer the special order, for the consideration of Senate Bill No. 194.

Which was agreed to.

Senate Bill No. 194 was then read the second time.

The question being on concurring in the report of the committee.

Mr. Harris offered the following amendment:

Amend the report by recommending the striking out, after the following words in the amendment recommended to section 1: "Provided, That in suits by the husband for the seduction of his wife, the wife shall not be a competent witness."

Messrs. Harris and Coffey demanded the ayes and noes.

Which being ordered and taken resulted as follows:

Those who voted in the affirmative were: Senators Burrell, Davenport, Harris, Leeper, Menzies, Mercer, Olds, Ragan, Shaffer, Shirk, Smith, Taylor, Traylor, Treat, Trusler, Weir, Winterbotham and Wood—18.

Those who voted in the negative were; Senators Benz, Briscoe, Cadwallader, Coffey, Comstock, Dice, Donham, Foster, Fowler, Garrigus, Grubbs, Hart, Hefron, Heilman, Kahlo, Kent, Kramer,

Langdon, Major, Moore, Peterson, Reiley, Sarnighausen, Streight, Tarlton, Urmstan and Woollen—27.

The amendment was rejected.

The report of the committee was concurred in.

Mr. Dice offered the following amendment:

Amend by the following: "*And provided further*, That in all suits where an executor, administrator or guardian is a party in any case, and any witness in behalf of the opposite party shall testify to any admission, conversation or transaction of such executor, administrator or guardian, then such executor, administrator or guardian may also testify to the same admission, conversation or transaction.

Which was adopted.

Mr. Fowler offered the following amendment:

Amend the bill by striking out the enacting clause.

Messrs. Fowler and Kahlo demanded the ayes and noes.

Which being ordered and taken resulted as follows:

Those who voted in the affirmative were: Senators Burrell, Coffey, Donham, Fowler, Hart, Kent, Major, Peterson, Tarlton, Urmstan and Woollen—11.

Those who voted in the negative were: Senators Benz, Briscoe, Cadwallader, Comstock, Davenport, Dice, Foster, Garrigus, Grubbs, Harris, Hebron, Heilman, Kahlo, Kramer, Langdon, Leeper, Menzies, Mercer, Moore, Olds, Ragan, Reiley, Sarnighausen, Shaffer, Shirk, Smith, Streight, Taylor, Traylor, Treat, Trusler, Weir, Wilson, Winterbotham and Wood—35.

The amendment was rejected.

Mr. Burrell offered the following amendment:

Amend the first section of said bill as follows: In line 9, after "An act entitled an act defining who shall be competent witnesses in any court of judicial proceeding in this State, and to repeal all laws and parts of laws in conflict with the provisions of this act, approved March 11, 1867."

Which was agreed to.

The bill was then ordered engrossed.

The chair announced the special order to be the consideration of Senate bill No. 17.

Mr. Langdon offered the following resolution:

WHEREAS, Claims for services rendered as judges of the superior and circuit courts have been filed with the Auditor of State since his communication to the Senate concerning a list of such claims in response to a resolution of the Senate; therefore

Resolved, That the Auditor of State is requested to report to the Senate a list of such claims and the names of the persons making the same, the amount thereof, not included in his report heretofore made.

Which was adopted.

Senate Bill No. 17 was then read the second time.

The question being on concurring in the report of the committee. It was concurred in.

Mr. Fowler obtained leave to withdraw Senate Bill No. 113.

Mr. Kent moved that Senate Bill No. 17 be engrossed.

Mr. Wilson moved to lay the bill on the table.

The ayes and noes were demanded by Messrs. Kent and Foster, which being ordered and taken resulted as follows:

Those who voted in the affirmative were: Senators Weir and Wilson—2.

Those who voted in the negative were: Senators Briscoe, Burrell, Edwallader, Comstock, Coffey, Davenport, Donham, Foster, Fowler, Garrigus, Grubbs, Harris, Hart, Hefron, Heilman, Kahlo, Kramer, Langdon, Major, Mercer, Moore, Olds, Peterson, Sagan, Sarnighausen, Shaffer, Shirk. Smith, Streight, Tarlton, Taylor, Traylor, Treat, Trusler, Winterbotham and Wood—37.

The motion was rejected.

Mr. Kramer moved the following amendment:

Amend section 1, line 2, by inserting after the word "any," "three."

The amendment was adopted.

Mr. Donham moved to reconsider the vote by which Mr. Kramer's amendment was adopted.

Messrs. Kent and Hefron demanded the ayes and noes, which being ordered and taken resulted as follows:

Those who voted in the affirmative were: Senators Benz, Briscoe, Burrell, Coffey, Davenport, Donham, Foster, Fowler, Garrigus, Harris, Hefron, Heilman, Kahlo, Kent, Langdon, Leeper, Major,

Mercer, Moore, Peterson, Shaffer, Shirk, Smith, Streight, Tarlton, Taylor, Traylor, Treat, Trusler, Urmstan and Wood—31.

Those who voted in the negative were: Senators Cadwallader, Comstock, Grubbs, Hart, Kramer, Olds, Ragan, Reiley, Sarnighausen, Weir, Wilson and Winterbotham—12.

The motion was agreed to.

Mr. Burrell moved that the amendment be rejected, and on that motion demanded the previous question.

The ayes and noes being demanded by Messrs. Wilson and Weir, they were ordered and taken, resulting as follows:

Those who voted in the affirmative were: Senators Benz, Briscoe, Burrell, Cadwallader, Coffey, Comstock, Davenport, Donham, Foster, Fowler, Garrigus, Harris, Hart, Hefron, Heilman, Kahlo, Kent, Langdon, Leeper, Major, Mercer, Moore, Peterson, Sarnighausen, Shaffer, Shirk, Smith, Streight, Tarlton, Taylor, Traylor, Treat, Trusler, Urmstan and Weir—35.

Those who voted in the negative were: Senators Grubbs, Kramer, Olds, Ragan, Reiley, Wilson and Winterbotham—7.

The previous question was seconded.

The main question was ordered.

The ayes and noes were demanded by Messrs. Kent and Hefron, and being ordered and taken resulted as follows:

Those who voted in the affirmative were: Senators Benz, Briscoe, Burrell, Coffey, Davenport, Foster, Fowler, Garrigus, Harris, Hefron, Heilman, Kahlo, Kent, Langdon, Major, Mercer, Moore, Peterson, Sarnighausen, Shaffer, Smith, Streight, Tarlton, Taylor, Traylor, Treat, Trusler and Wood—28.

Those who voted in the negative were: Senators Cadwallader, Comstock, Donham, Grubbs, Hart, Kramer, Leeper, Olds, Ragan, Reiley, Shirk, Urmstan, Weir, Wilson and Winterbotham—15.

The amendment was adopted.

Mr. Kramer offered the following amendment:

Amend section 1, line 17, by inserting after the word "be," "and they shall give notice ten days prior to the session of such board by posting up three notices, stating in such application the township where the ditch or drain is to be constructed, and any person whose land is affected by said proposed ditch or drain may come before such board and contest the public utility of the same, and i

the board of county commissioners become satisfied that the work contemplated by the applicants is of public utility, they shall appoint three disinterested freeholders, one of whom to be the county surveyor, provided said surveyor be not interested in the construction of such work. Such appraisers are to assess the lands affected for the purpose of constructing such work, in proportion that the lands affected are benefitted by such work."

Which was adopted.

Mr. Streight offered the following amendment:

Amend section 1 by striking out all after the word "corporation" in line 2, and all of lines 3 and 4, also the words "three miles in length or in," in line 5, and also by striking out the word "work," in line 5 and insert the word "ditching," in lieu thereof; also insert after the word "lands," in line 6, the words "of which he is the owner thereof."

Which was rejected.

Leave of absence was asked and obtained for the committee on pensions until Monday.

Also for Mr. Treat for the same time.

On motion of Mr. Donham, House Bill No. 17, entitled "An act to repeal an act authorizing counties and townships to vote aid to or take stock in railroad companies," etc.

Which was referred to the committee on railroads.

Mr. Langdon offered the following amendment to Senate Bill No.

: Amend section 1 by inserting after the word "persons," in line "and who is the owner of at least a freehold interest in the land affected by the construction of said levee, drain, breakwater, or the opening or cleaning of any drain or water-course, or by work necessary to protect or reclaim wet land."

Which was agreed to.

Mr. Kent moved that the bill be ordered engrossed.

The ayes and noes were demanded by Messrs. Wilson and Streight, which being ordered and taken resulted as follows:

Those who voted in the affirmative were: Senators Benz, Burrell,avenport, Donham, Foster, Fowler, Garrigus, Harris, Hefron,eilman, Kent, Langdon, Major, Moore, Peterson, Shaffer, Shirk,mith, Tarlton, Taylor, Traylor and Wood—22.

Those who voted in the negative were: Senators Cadwallader,

Comstock, Grubbs, Hart, Kramer, Leeper, Mercer, Olds, Ragan, Reiley, Sarnighausen, Streight, Urmstan, Weir, Wilson and Winterbotham—16.

The motion was agreed to.

Mr. Langdon presented the claim and petition of William Harrison.

Which was referred to the committee on claims without reading.

Mr. Foster moved that Senate Bill No. 184, entitled "An act to prevent the practice of resorting to distant courts to oppress the citizens of Indiana," be taken up and read the third time.

Which was agreed to.

The question being, shall the bill pass?

The ayes and noes were ordered and taken, resulting as follows:

Those who voted in the affirmative were: Senators Benz, Burr, Cadwallader, Comstock, Davenport, Donham, Foster, Fowler, Garfield, Grubbs, Harris, Hart, Hefron, Heilman, Kahlo, Kent, Kramer, Langdon, Leeper, Major, Menzies, Mercer, Moore, Olds, Peterson, Ragan, Reiley, Sarnighausen, Shaffer, Shirk, Smith, Streight, Tarlton, Traylor, Urmstan, Weir, Winterbotham and Wood—38.

No one voting in the negative.

The bill passed.

Mr. Hefron, by request, introduced Senate Bill No. 425, entitled "An act for the redistricting and laying out of wards in cities of more than 9,000 nor more than 13,000 inhabitants, as by the census of 1870, giving the Governor power to appoint five commissioners for such purpose, declaring seats of councilmen vacant, and ordering new elections of councilmen for such new wards, and when such wards shall be in force, and fixing the compensation of the commissioners and their assistants."

Mr. Leeper moved that Senate Bill No. 265, entitled "An act to provide for the appointment of receivers in certain cases," etc., be recommitted to the committee on the judiciary.

Which was agreed to.

The Senate adjourned.

(Approved.)

ISAAC P. GRAY,
President of the Senate.

FRIDAY MORNING.

FEBRUARY 21, 1879.

The Senate met at 9 o'clock A. M., Lieutenant-Governor Gray in the chair.

The journal of yesterday was being read when, on motion of Mr. Fowler, the further reading of the same was dispensed with.

Mr. Shirk moved that Senate Bill No. 69, relating to the establishment of a home for feeble-minded children, be taken up.

Which was agreed to.

The report of the committee, recommending its passage, was read and concurred in, and the bill ordered engrossed.

Mr. Shirk moved that the constitutional rule be suspended, the bill considered engrossed, read the third time and put upon its passage.

The question being on the motion to suspend the constitutional rules.

The ayes and noes were ordered and taken, resulting as follows:

Those who voted in the affirmative were: Senators Cadwallader, Comstock, Davis, Dice, Donham, Fowler, Garrigus, Grubbs, Harris, Hart, Heilman, Kent, Langdon, Leeper, Mercer, Moore, Olds, Oindexter, Ragan, Sarnighausen, Shirk, Smith, Tarlton, Taylor, Rusler, Weir, Wilson and Woollen—28.

Those who voted in the negative were: Senators Burrell, Coffey, Kramer, Major, Menzies, Peterson, Reiley, Traylor, Urmstan, Vinterbotham and Wood—11.

The constitutional rule was not suspended.

Mr. Kramer offered the following amendment:

Amend section 5 by adding, "the question of admitting children shall be determined by the board of county commissioners under the rules adopted by the board of the institution, certified to by the auditor of the county."

Which was rejected.

Mr. Leeper moved to amend section 10 by adding "but no inmates above the age of twenty-one years shall be retained in institution."

Which was agreed to.

Mr. Burrell offered the following amendment:

Amend section 5 of the above section as follows: "No person shall be admitted as an inmate of said institute except on a proper adjudication of the question of sanity by two justices of the peace and a physician and the clerk of the circuit court of the county."

Which was rejected.

Mr. Kramer offered the following amendment:

Amend section 7, line 15: Strike out "state" and insert "county" in lieu thereof.

Which, on motion of Mr. Woollen, was rejected.

Mr. Menzies offered the following amendment:

I move to amend section 2 by adding after the word "children" in line 2, the words "of poor and indigent parents who are unable to support and train their children at home."

Which, on motion of Mr. Shirk, was rejected.

Mr. Burrell offered the following amendment:

Amend section 7 by striking out the following words in said section as herein indicated, to-wit: The word "State" in line 2, and the words "of State," in line 5, and the words "of States" in line 6, and the words "of States" in line 8, and the words "by the State" in line 3.

Mr. Shirk moved that the amendment be rejected, and on that motion demanded the previous question.

The ayes and noes were demanded by Messrs. Burrell and Winterbotham.

Which being ordered and taken resulted as follows:

Those who voted in the affirmative were: Senators Cadwallader Coffey, Davis, Dice, Fowler, Garrigus, Grubbs, Harris, Hart, Ke Langdon, Leeper, Menzies, Mercer, Moore, Olds, Peterson, Pol Dexter, Ragan, Sarnighausen, Shirk, Smith, Tarlton, Taylor, Traylor, Weir, Wilson, Winterbotham and Woollen—29.

Those who voted in the negative were: Senators Comstock, Donham, Kramer, Major, Reiley, Traylor, Urmstan and Wood—

The previous question was seconded.

the main question being ordered, which was on the motion to
t the amendment offered by Mr. Burrell, it was rejected.

Mr. Woollen moved that the bill be ordered engrossed.

Which was agreed to.

Mr. Traylor moved to take up Senate Bill No. 216, entitled "An
to amend section 1 of an act entitled an act defining the crime of
hazzlement and prescribing the punishment therefor, approved
mber 21, 1865."

Which was agreed to.

Senate Bill No. 216 was then taken up and read the second time,
the report of the committee recommending its passage, after
in amendments.

The question being on concurring in the report of the committee
s concurred in.

Mr. Traylor moved that the constitutional rule be suspended, the
ordered engrossed, read the third time now and put upon its
ge.

The question being on the motion to suspend the rules.

The ayes and noes were ordered and taken resulting as follows:

Those who voted in the affirmative were: Senators Burrell,
vallader, Comstock, Davis, Donham, Fowler, Garrigus, Grubbs,
is, Hart, Kent, Kramer, Langdon, Leeper, Major, Menzies,
er, Moore, Olds, Peterson, Poindexter, Ragan, Reiley, Sarnig-
en, Shirk, Smith, Tarlton, Taylor, Traylor, Trusler, Urmstan,
e, Weir, Wilson, Winterbotham, Wood and Woollen—37.

No one voting in the negative.

The constitutional rule was suspended.

Senate Bill No. 216 was then read the third time.

The question being, shall the bill pass?

The ayes and noes were ordered and taken, resulting as follows:

Those who voted in the affirmative were: Senators Burrell,
vallader, Coffey, Comstock, Davis, Donham, Fowler, Garrigus,
obs, Harris, Hart, Kent, Kramer, Langdon, Leeper, Major,
zies, Mercer, Moore, Olds, Peterson, Poindexter, Ragan, Reiley,
ighausen, Shirk, Smith, Tarlton, Taylor, Traylor, Trusler,

Urmstan, Viehe, Weir, Wilson, Winterbotham, Wood and Wo
—38.

No one voting in the negative.

The bill passed.

The chair laid before the Senate a communication from the
perintendent of the Hospital for the Insane.

Which was referred to the committee on benevolent institu
without reading.

On motion of Mr. Viehe the special order for 10½ o'clock
morning, the consideration of Senate Bills Nos. 195 and 70,
postponed until 2 P. M.

Mr. Davis moved to take up Senate Bill No. 382.

Which was agreed to.

Senate Bill No. 382, entitled "A bill for an act to amend th
and 14th sections of an act entitled an act authorizing aid to
roads by counties and townships, approved May 12, 1869," etc.,
read the third time, with the report of the committee recommen
its passage.

Which was concurred in.

Mr. Wilson, from the committee on the organization of co
reported Senate Bill No. 296, entitled "An act to fix the times
holding the circuit courts, and the length of the terms thereo
4th judicial circuit," etc., with the report of the committee sug
ing certain amendments, and when so amended recommending
passage.

Which was placed on file without reading.

Senate Bill No. 382 was then read the third time, and the re
of the committee concurred in.

Mr. Burrell moved that Senate Bill No. 382 be considered
grossed and put upon its passage.

Which was agreed to.

The question being, shall the bill pass?

The ayes and noes were ordered and taken, resulting as follo

Those who voted in the affirmative were: Senators Burrell, C
wallader, Coffey, Comstock, Davis, Dice, Donham, Fowler, G
gus, Grubbs, Harris, Kent, Kramer, Langdon, Leeper, M
Mercer, Moore, Olds, Peterson, Poindexter, Ragan, Reiley, San

on, Shirk, Smith, Tarlton, Taylor, Traylor, Trusler, Urmstan,
e, Wilson, Wood and Woollen—35.

ator Winterbotham voting in the negative.

he bill passed.

he title was then read and ordered by the Senate to stand ap-
ed.

he following message was received from the House by the Clerk
of:

PRESIDENT:

am directed by the Speaker of the House to inform the Senate
the Speaker has signed Enrolled House Concurrent Resolutions
9 and 20, and the same are herewith returned to the Senate for
ction thereon.

r. Langdon moved to take up Senate Bill No. 118, entitled "An
amend sections 199, 201, 202, 203, 204 and 205, of the prac-
act.

hich was agreed to.

ate Bill No. 118 was then read the second time, and the report
e committee recommending its passage concurred in.

r. Langdon moved that the constitutional rule be suspended,
ill considered engrossed, read the third time now, and put upon
assage.

e ayes and noes being ordered and taken on the motion to sus-
the rules, resulted as follows:

ose who voted in the affirmative were: Senators Burrell,
vallader, Coffey, Comstock, Davis, Dice, Donham, Fowler,
gus, Grubbs, Harris, Hart, Kent, Kramer, Langdon, Leeper,
r, Menzies, Mercer, Moore, Olds, Peterson, Poindexter, Ragan,
y, Shirk, Smith, Tarlton, Taylor, Traylor, Trusler, Urmstan,
e, Weir, Wilson, Winterbotham, Wood and Woollen—38.

o one voting in the negative.

he constitutional rule was suspended.

ate Bill No. 118 was then read the third time.

he question being, shall the bill pass?

he ayes and noes were ordered and taken, resulting as follows:

ose who voted in the affirmative were: Senators Burrell,
vallader, Coffey, Comstock, Davis, Dice, Donham, Fowler,

Garrigus, Grubbs, Harris, Hart, Kent, Kramer, Langdon, Le Major, Menzies, Mercer, Moore, Olds, Peterson, Poindexter, Reiley, Shirk, Smith, Tarlton, Taylor, Traylor, Trusler, Urm Viehe, Weir, Wilson, Winterbotham and Wood—37.

No one voting in the negative.

The bill passed.

The title was then read and ordered by the Senate to s approved.

Mr. Grubbs, from the committee on the judiciary, reported S Bill No. 289, entitled "An act defining vagrancy and prescri punishment therefor," with the report of the committee sugges certain amendments, and when so amended recommending passage.

Which was placed on file without reading.

Mr. Poindexter introduced Senate Bill No. 426, entitled "A to amend section 3 of an act entitled an act supplemental to a concerning the organization and perpetuity of voluntary ass tions," etc.

Read the first time and referred to the committee on benev institutions.

Mr. Burrell introduced Senate Bill No. 427, entitled "An a amend sections 1 and 2 of an act entitled an act to regulate pu warehouses and warehousing and inspecting and mixing gra making warehouse receipts assignable and negotiable, and provi a penalty for issuing false or fraudulent receipts by warehouse and for fraudulently removing property by them, approved M 9, 1875, so as to provide for keeping a record of warehousem permits, defining public warehouses and declaring an emergen

Which was read by title only and referred to the committe corporations.

The Senate adjourned.

AFTERNOON SESSION.

FEBRUARY 21, 1875

The Senate reassembled at 2 o'clock, P. M., Lieutenant-Gover Gray in the chair.

The chair announced the special order to be the consideration of Senate Bills No. 195 and No. 70, relating to the redemption of real estate sold on execution.

Senate Bill No. 195 was taken up and read the second time.

Mr. Viehe moved that the bills No. 195 and No. 70 be made the special order for next Monday at 2 P. M.

Which was agreed to.

Mr. Trusler demanded a call of the Senate.

Which being ordered and taken discovered the following Senators present and answering to their names :

Senators Burrell, Cadwallader, Coffey, Comstock, Donham, Fow-
Garrigus, Grubbs, Harris, Hart, Heilman, Kent, Kramer,
ngdon, Major, Meuzies, Mercer, Moore, Peterson, Ragan, Reiley,
nighausen, Shirk, Smith, Tarlton, Taylor, Traylor, Trusler,
mstan, Viehe, Weir, Wilson, Winterbotham, Wood and Woollen
35.

Mr. Trusler moved that further proceedings under the call be dispensed with.

Which was agreed to.

The following message was received from the House by the Clerk thereof:

R. PRESIDENT:

I am directed by the Speaker of the House to inform the Senate that the House has passed engrossed House Bill No. 38, entitled an act to amend section 6 of an act entitled an act concerning insures, trespassing animals, and partition fences," approved June 1852.

Also, engrossed House Bill No. 24, entitled "An act regulating the indebtedness of counties having a voting population of over twenty thousand, as shown by the vote cast for Governor at the last preceding election; authorizing the funding of indebtedness of such counties in bonds, in certain cases, prohibiting the creation of county debt, except as herein authorized, and prescribing the kind and amount that may be created; limiting the amount of taxes that may be levied by the board of county commissioners, prescribing penalties for certain violations of this act, and repealing all conflict- laws, and declaring an emergency."

Also, engrossed House Bill No. 56, entitled "An act defining the

twelfth and tenth judicial circuits of the State of Indiana, and for the times for the holding of the courts therein."

Also, engrossed House Bill No. 59, entitled "An act providing for appeals from the board of county commissioners in proceedings for the annexation of territory to towns and cities, against the will of the owner, and for the trial of the same in the circuit courts."

Also, engrossed House Bill No. 131, entitled "An act to amend section 77 of an act entitled an act to revise, simplify, and amend the rules, practice, pleadings, and forms in civil actions," etc.

Also, engrossed Senate Bill No. 277, entitled "An act concerning interest and usury," with certain amendments.

The same are herewith transmitted to the Senate for its action thereon.

Mr. Trusler moved that Senate Bill No. 187, entitled "An act providing for the election and appointment of supervisors of highways," etc., be taken up.

Which was agreed to.

Senate Bill No. 187 was read the third time.

The question being, shall the bill pass?

The ayes and noes were ordered and taken, resulting as follows:

Those who voted in the affirmative were: Senators Burr, Cadwallader, Coffey, Comstock, Davis, Dice, Donham, Fowler, Garrigus, Grubbs, Harris, Hart, Heilman, Kent, Kramer, Langford, Leeper, Major, Menzies, Mercer, Moore, Olds, Peterson, Poindexter, Ragan, Reiley, Shirk, Smith, Streight, Tarlton, Taylor, Trayner, Trusler, Urmstan, Viehe, Weir, Wilson, Wood and Woollen—

No one voting in the negative.

The bill passed.

The title of the bill was then read and ordered by the Senate to stand approved.

The following message was received from the House by the clerk thereof:

MR. PRESIDENT:

I am directed by the Speaker of the House to inform the Senate that the House has passed engrossed House bill No. 187, entitled "An act defining the meaning of the first proviso of section 2 of an act entitled an act to provide for the relocation of county seats, and for the erection of public buildings in counties in case of such relocation."

, approved March 2, 1855," and the same is herewith transmit-
to the Senate for its action thereon.

Mr. Grubbs moved to take up Senate Bill No. 65, entitled "An
defining libel and to prevent the publication thereof."

Which was agreed to.

Senate Bill No. 65 was then taken up and read the second time
the report of the committee concurred in.

Mr. Grubbs moved that the constitutional rule be suspended, the
considered engrossed, read the third time now and be put upon
passage.

The question being on the motion to suspend the rule.

The ayes and noes were ordered and taken resulting as follows:

Those who voted in the affirmative were: Senators Burrell,
Wallader, Coffey, Comstock, Davis, Dice, Donham, Fowler,
Griggs, Grubbs, Harris, Hart, Heilman, Kent, Kramer, Langdon,
Per, Major, Menzies, Mercer, Moore, Olds, Peterson, Poindex-
Ragan, Reiley, Shirk, Smith, Streight, Tarlton, Taylor, Traylor,
Urmstan, Viehe, Weir, Wilson, Winterbotham, Wood and
Wollen—40.

No one voting in the negative.

The constitutional rule was suspended.

Senate Bill No. 65 was then taken up and read the third time.

The question being, shall the bill pass?

The ayes and noes being ordered and taken resulted as follows:

Those who voted in the affirmative were: Senators Burrell,
Wallader, Coffey, Comstock, Davis, Dice, Donham, Fowler,
Griggs, Grubbs, Harris, Hart, Heilman, Kent, Kramer, Langdon,
Per, Major, Menzies, Mercer, Moore, Olds, Peterson, Poindex-
Ragan, Reiley, Sarnighausen, Shirk, Smith, Streight, Tarlton,
Traylor, Trusler, Urmstan, Viehe, Weir, Wilson, Winter-
nam, Wood and Woollen—41.

No one voting in the negative.

The bill passed.

The title was then read and ordered by the Senate to stand
proved.

Mr. Streight moved that Senate Bill No. 196, entitled "An act

to regulate the tolls on plank, macadamized and gravel roads," be taken up.

Which was agreed to.

The report of the committee on Senate Bill No. 196 was read and concurred in.

Mr. Heilman moved to take up Senate Bill No. 209, entitled act authorizing appeals from boards of commissioners," etc.

Which was agreed to.

The bill was read the second time and the report of the committee concurred in.

Mr. Heilman moved that the constitutional rule be suspended, the bill considered engrossed, read the third time now, and put to its passage.

The question being on the suspension of the rule.

The ayes and noes were ordered and taken and resulted as follows:

Those who voted in the affirmative were: Senators Burrell, Callwallader, Coffey, Comstock, Davis, Dice, Fowler, Garrigus, Grubbs, Harris, Hart, Heilman, Kent, Langdon, Leeper, Major, Menzies, Mercer, Moore, Olds, Peterson, Poindexter, Ragan, Reiley, Sarnighausen, Shirk, Smith, Streight, Tarlton, Taylor, Traylor, Trusler, Urmstan, Viehe, Weir, Wilson, Winterbotham and Woollen—36.

Senator Kramer voting in the negative.

The constitutional rule was suspended.

Senate Bill No. 209 was then read the third time.

The question being, shall the bill pass?

The ayes and noes were taken resulting as follows:

Those who voted in the affirmative were: Senators Burrell, Callwallader, Coffey, Comstock, Davis, Fowler, Garrigus, Grubbs, Heilman, Kent, Kramer, Langdon, Leeper, Major, Menzies, Mercer, Moore, Olds, Peterson, Ragan, Reiley, Sarnighausen, Shirk, Smith, Streight, Tarlton, Taylor, Traylor, Trusler, Urmstan, Weir, Wilson, Winterbotham, Wood and Woollen—36.

No one voting in the negative.

The bill passed.

The title of the bill was then read and ordered to stand approved.

Mr. Langdon moved to take up Senate Bill No. 353, entitled "An

supplemental to an act concerning trusts and powers, approved June 17, 1852."

Which was agreed to.

Senate Bill No. 353 was then read the second time and the report of the committee recommending its passage concurred in.

Mr. Langdon moved that the constitutional rules be suspended, the bill considered engrossed, read the third time now, and put upon passage.

The question being on the motion to suspend the rules.

The ayes and noes were ordered and taken, resulting as follows:

Those who voted in the affirmative were: Senators Burrell, Cadwallader, Coffey, Comstock, Davis, Donham, Fowler, Garrigus, Robbins, Hart, Heilman, Kent, Kramer, Langdon, Leeper, Major, Menzies, Mercer, Moore, Olds, Poindexter, Ragan, Reiley, Sarnighausen, Shirk, Smith, Streight, Tarlton, Taylor, Traylor, Trusler, Urnstan, Veihe, Weir, Wilson, Winterbotham, Wood and Woollen—38.

No one voting in the negative.

The constitutional rule was suspended.

Senate Bill No. 353 was then read the third time.

The question being, shall the bill pass?

The ayes and noes were ordered and taken, resulting as follows:

Those who voted in the affirmative were: Senators Burrell, Cadwallader, Coffey, Comstock, Davis, Donham, Fowler, Garrigus, Robbins, Harris, Hart, Heilman, Kent, Kramer, Langdon, Leeper, Major, Menzies, Mercer, Moore, Olds, Peterson, Poindexter, Ragan, Reiley, Sarnighausen, Shirk, Smith, Streight, Tarlton, Taylor, Traylor, Trusler, Urnstan, Weir, Wilson, Winterbotham, Wood and Woollen—39.

No one voting in the negative.

The bill passed.

The title was then read and ordered by the Senate to stand approved.

Mr. Woollen moved to take up Senate Bill No. 179, "An act to establish a State board of health."

Which was agreed to.

Senate Bill No. 179 was then taken up and read the second time. The report of the committee was read recommending its passage after certain amendments, and concurred in.

Mr. Woollen moved that the bill be made the special order for to-morrow at 2 o'clock P. M.

Which was agreed to.

Mr. Hart moved to take up House Bill No. 141, entitled "An act to legalize the official acts of the board of trustees of the town of Booneville, in Warrick county, Indiana, and all other officers of said corporation," etc.

Which was agreed to.

House Bill No. 141 was then taken up and read the second time with the report of the committee recommending its passage.

The report was concurred in.

Mr. Hart moved the suspension of the constitutional rule, that the bill be considered engrossed, read the third time and put up its passage.

The question being on the motion to suspend the rule.

The ayes and noes were ordered and taken, resulting as follows:

Those who voted in the affirmative were: Senators Burrell, Callwallader, Coffey, Comstock, Davis, Donham, Fowler, Garrigue, Grubbs, Harris, Hart, Heilman, Kent, Kramer, Langdon, Leeper, Major, Menzies, Mercer, Moore, Olds, Peterson, Poindexter, Ragland, Reiley, Sarnighausen, Shirk, Smith, Streight, Tarlton, Taylor, Traylor, Trusler, Urmstan, Viehe, Weir, Wilson, Winterbotham and Wood—39.

No one voting in the negative.

The constitutional rule was suspended.

House Bill No. 141 was then read the third time.

The question being, shall the bill pass?

The ayes and noes were ordered and taken, resulting as follows:

Those who voted in the affirmative were: Senators Burrell, Callwallader, Coffey, Comstock, Davis, Donham, Fowler, Garrigue, Grubbs, Harris, Hart, Heilman, Kent, Kramer, Langdon, Leeper, Major, Menzies, Mercer, Moore, Olds, Peterson, Poindexter, Reiley, Sarnighausen, Shirk, Streight, Tarlton, Taylor, Traylor, Urmstan, Viehe, Weir, Wilson, Winterbotham, Wood and Woollen—37.

Those who voted in the negative were: Senators Ragan and Trusler—2.

The bill passed.

The title was then read, and ordered by the Senate to stand approved.

Mr. Tarlton moved to take up Senate Bill No. 331, entitled "An act to amend section 1 of an act entitled an act authorizing the school trustees of a city or incorporated town to pay over special school revenue," etc.

Which was agreed to.

Senate Bill No. 331 was read the second time, with the report of the committee.

Which was concurred in.

Mr. Tarleton moved that the constitutional rule be suspended, the bill considered engrossed, read the third time now, and put upon its passage.

The question being on the motion to suspend the rule.

The ayes and noes were ordered and taken, resulting as follows:

Those who voted in the affirmative were: Senators Burrell, Cadwallader, Coffey, Comstock, Davis, Donham, Fowler, Grubbs, Harris, Hart, Heilman, Kent, Kramer, Langdon, Leeper, Major, Menzies, Mercer, Moore, Olds, Peterson, Poindexter, Reiley, Sarnighausen, Shirk, Streight, Tarlton, Taylor, Traylor, Trusler, Urmstan, Viehe, Wier, Wilson, Winterbotham and Wood—36.

No one voting in the negative.

The constitutional rule was suspended.

Senate Bill No. 331 was then read the third time.

The question being, shall the bill pass?

The ayes and noes were ordered and taken, resulting as follows:

Those who voted in the affirmative were: Senators Burrell, Coffey, Comstock, Davis, Dice, Donham, Fowler, Grubbs, Harris, Hart, Heilman, Kent, Kramer, Langdon, Leeper, Major, Menzies, Mercer, Moore, Olds, Peterson, Poindexter, Reiley, Sarnighausen, Shirk, Streight, Tarlton, Taylor, Traylor, Trusler, Urmstan, Viehe, Weir, Wilson, Winterbotham and Wood—36.

No one voting in the negative.

The bill passed.

The title of the bill was then read and ordered by the Senate stand approved.

Mr. Wood, from the committee on railroads, submitted a report on Senate Bill No. 39, entitled "An act in relation to changing proposed lines and terminus of railroads," which recommended passage of the bill after certain amendments.

The report was concurred in and the bill read the second time.

Mr. Wood moved that the constitutional rules be suspended, bill considered engrossed, read the third time now and put upon passage.

The question being on the motion to suspend the rule, the ayes and noes were ordered and taken, resulting as follows:

Those who voted in the affirmative were: Senators Burr, Cadwallader, Coffey, Comstock, Davis, Donham, Fowler, Garrigue, Grubbs, Harris, Hart, Heilman, Kent, Kramer, Langdon, Leeper, Major, Menzies, Mercer, Moore, Peterson, Poindexter, Ragan, Reiley, Shirk, Smith, Streight, Tarlton, Taylor, Traylor, Trusler, Urmston, Viehe, Weir, Wilson, Winterbotham, Wood and Woollen—38.

Senator Sarnighausen voting in the negative.

The rules were suspended.

Senate Bill No. 39 was then read the third time.

The question being, shall the bill pass?

The ayes and noes were ordered and taken, resulting as follows:

Those who voted in the affirmative were: Senators Burr, Cadwallader, Coffey, Comstock, Davis, Donham, Fowler, Garrigue, Grubbs, Harris, Hart, Heilman, Kent, Kramer, Langdon, Leeper, Major, Mercer, Moore, Olds, Peterson, Poindexter, Ragan, Reiley, Shirk, Smith, Streight, Tarlton, Taylor, Traylor, Trusler, Urmston, Viehe, Weir, Wilson, Winterbotham, Wood and Woollen—38.

Senator Sarnighausen voting in the negative.

The bill passed.

The title was read.

Mr. Harris moved to amend the title to read as follows:

"An act authorizing railroad companies to extend their lines and change the termini thereof."

Which was adopted.

Mr. Fowler moved that Senate Bill No. 365, entitled "An act to amend section 3 and repeal section 4 of an act for the relief of the Lye Creek Draining Association, approved March 10, 1873," be taken up and read the second time, and the report of the committee concurred in.

Which was agreed to.

Senate Bill No. 365 was then read the second time, with the report of the committee recommending its passage.

Which was concurred in.

Mr. Fowler then moved that the constitutional rules be suspended, the bill be considered engrossed, read a third time and put upon its passage.

The question being on suspending the constitutional rules.

The ayes and noes were ordered and taken, resulting as follows:

Those who voted in the affirmative were: Senators Burrell, Coffey, Comstock, Davis, Dice, Donham, Fowler, Garrigus, Grubbs, Harris, Hart, Heilman, Kent, Kramer, Langdon, Leeper, Major, Menzies, Mercer, Moore, Olds, Peterson, Poindexter, Ragan, Reiley, Sarnighausen, Shirk, Smith, Streight, Tarlton, Taylor, Traylor, Trusler, Urmstan, Viehe, Weir, Winterbotham, Wood and Woollen—39.

Senator Wilson voting in the negative.

The rule was suspended.

Senate Bill No. 365 was then read the third time.

The question being, shall the bill pass?

The ayes and noes were ordered and taken, resulting as follows:

Those who voted in the affirmative were: Senators Burrell, Cadwallader, Coffey, Donham, Fowler, Garrigus, Harris, Hart, Heilman, Kent, Kramer, Langdon, Leeper, Mercer, Moore, Olds, Peterson, Poindexter, Ragan, Reiley, Sarnighausen, Shirk, Smith, Streight, Tarlton, Taylor, Traylor, Trusler, Urmstan, Winterbotham, Wood and Woollen—32.

Those who voted in the negative were: Senators Comstock, Dice, Grubbs, Menzies and Wilson—5.

The bill passed.

The title was then read and ordered by the Senate to stand approved.

Mr. Sarnighausen moved to take up Senate Bill No. 175, entitled

"An act to provide for the appointment and qualification of county superintendents," etc.

Which was agreed to.

The bill was read the second time, with the report of the committee, recommending its passage after certain amendments.

Which was concurred in.

Mr. Dice offered the following motion:

"I move that the bill and report be recommitted to the committee on county and township business, with the recommendation that it be amended so as to abolish the office of county superintendent.

The ayes and noes were demanded by Messrs. Dice and Kent.

Which, being ordered and taken, resulted as follows:

Those who voted in the affirmative were: Senators Dice, Heilman, Kent, Kramer, Major, Mercer, Streight, Urmstan, Wilson and Woollen—12.

Those who voted in the negative were: Senators Burrell, Callwallader, Coffey, Comstock, Davis, Fowler, Garrigus, Grubbs, Harris, Langdon, Leeper, Menzies, Moore, Olds, Peterson, Poldexter, Ragan, Reiley, Sarnighausen, Shirk, Smith, Taylor, Trayler, Trusler, Winterbotham and Wood—26.

The motion was rejected.

On motion of Mr. Sarnighausen the bill was then ordered engrossed.

The Senate adjourned.

(Approved.)

ISAAC P. GRAY,
President of the Senate.

SATURDAY MORNING.

FEBRUARY 22, 1879.

The Senate met at 9 o'clock, Lieutenant-Governor Gray in the chair.

The session was opened with prayer by Prof. A. R. Benton, of Butler University.

The Journal of yesterday was being read when, on motion of Mr. Harris, the further reading of the same was dispensed with.

Mr. Burrell presented the claim of W. C. Hall for \$165.

Which was referred to the committee on claims without reading.

Mr. Kramer presented a petition from certain citizens of Spencer county, Indiana, on the subject of foreign insurance companies.

Which was referred to the committee on insurance without reading.

Mr. Dice presented a resolution from the temperance union of Mountain county, Indiana, on the subject of temperance.

Which was referred to the committee on temperance without reading.

Mr. Comstock presented a petition from citizens of Wayne county, Indiana, to legalize the official acts of the officers of the town of Washington, Wayne county, Indiana.

Which was referred to the committee on the judiciary without reading.

Mr. Comstock, from the committee on the judiciary, reported Enrolled House Bill No. 35, entitled "An act to amend section 64 of the justices act," with the report of the committee recommending its indefinite postponement.

Which was placed on file without reading.

Mr. Comstock, from the committee on the judiciary, reported Senate Bill No. 412, entitled "An act to amend section 355 of the practice act," with the report of the committee recommending that it lie upon the table.

Which was also placed on file without reading.

Mr. Harris, from the committee on the judiciary, reported Senate Bill No. 398, entitled "An act concerning houses of prostitution," etc., with the report of the committee suggesting certain amendments, and when so amended recommending its passage.

Which was placed on file without reading.

Mr. Harris, from the committee on the judiciary, reported Enrolled House Bill No. 158, entitled "An act in relation to settlements of boards of commissioners with other officers," etc., with the report of the committee recommending its passage.

Which was placed on file without reading.

Mr. Menzies, from the committee on sanitary affairs, reported Senate Bill 84, entitled "An act regulating the practice of medicine

and surgery," etc., with the report of the committee suggesting amendments, and when so amended recommending its passage.

Which was placed on file without reading.

Mr. Burrell, from the committee on the judiciary, reported Senate Bill No. 392, entitled "An act legalizing certain judgments," with the report of the committee recommending its indefinite postponement.

Which was placed on file without reading.

Mr. Burrell, from the committee on the judiciary, reported Senate Bill No. 404, entitled "An act amending an act fixing the salaries of judges of courts," etc., with the report of the committee recommending its passage.

Which was placed on file without reading.

Mr. Burrell, from the committee on the judiciary, reported Senate Bill No. 405, entitled "An act to amend section 68 of the practice act," with the report of the committee recommending its indefinite postponement.

Which was placed on file without reading.

Mr. Burrell, from the committee on the judiciary, reported grossed House Bill No. 135, entitled "An act to legalize the action of the board of trustees of the town of Shelburn, Sullivan county, New York," with the report of the committee recommending its passage.

Which was placed on file without reading.

Mr. Sarnighausen, from the committee on education, reported Senate Bill No. 391, entitled "An act to amend section 2 of an act entitled an act to amend an act entitled an act to provide for a general system of common schools," etc., with the report of the committee recommending that it lie on the table.

Which was placed on file without reading.

Mr. Sarnighausen, from the committee on education, reported Senate Bill No. 394, entitled "An act to amend an act entitled an act to entitle the trustees of two or more adjacent counties and townships to form a new school district, and to build school houses therein," etc., with the report of the committee recommending its passage.

Which was placed on file without reading.

Mr. Dice, from the committee on corporations, reported Senate Bill No. 300, entitled "An act to amend sections 26 and 61 of an act entitled an act to repeal all general laws now in force for the

incorporation of cities," etc., with the report of the committee recommending its passage.

Which was placed on file without reading.

Mr. Dice, from the committee on corporations, reported Senate Bill No. 374, entitled "An act to amend the charter of the town of Clarksville," etc., with the report of the committee recommending that it lie upon the table.

Which was placed on file without reading.

Mr. Dice, from the committee on corporations, reported Senate Bill No. 415, entitled "An act to legalize the incorporation of the town of Ohio Falls," etc., with the report of the committee recommending that it lie on the table.

Which was placed on file without reading.

Mr. Kent, from the committee on corporations, reported Senate Bill No. 401, entitled "An act to amend section 8 of an act entitled an act to repeal all general laws for the incorporation of cities," etc., with the report of the committee recommending that it lie on the table.

Which was placed on file without reading.

Mr. Kent, from the committee on corporations, reported engrossed House Bill No. 15, entitled "An act to legalize the election held in the year 1878 in the town of Edinburg, in Johnson county, Indiana, and to legalize the official acts of the board of trustees of said town," etc., with the report of the committee recommending its passage.

Which was placed on file without reading.

Mr. Kent, from the committee on the judiciary, reported engrossed House Bill No. 9, entitled "An act to regulate the setting of corner stones in public highways," with the report of the committee recommending its indefinite postponement.

Which was placed on file without reading.

Mr. Kent, from the committee on the judiciary, reported Senate Bill No. 342, entitled "An act to amend section 3 of the justices' act," with the report of the committee recommending its passage.

Which was placed on file without reading.

Mr. Dice, from the committee on fees and salaries, reported Senate Bill No. 82, entitled "An act to amend section 17 of an act entitled an act fixing the fees and salaries, duties and compensation of the officers and persons named therein, prohibiting the violations of

its provisions, and repealing certain laws," with the report of committee recommending that it lie on the table.

Which was placed on file without reading.

Mr. Dice, from the committee on fees and salaries, reported a Bill No. 424, entitled "An act amending sections 1, 4, 5, 11 and 18, and to repeal section 10 of an act entitled an act fixing fees, salaries, duties and compensation of the officers and persons named therein," etc., with the report of the committee recommending its passage, and that one hundred copies of the same be printed.

Which was placed on file without reading.

Mr. Dice, from the committee on fees and salaries, reported
ate Bill No. 388, entitled "An act amending sections 1, 4, 5, 10
12, 14, 16, 17 and 18 of an act entitled an act fixing the fees
salaries, duties and compensation of the officers and persons na
therein," etc., with the report of the committee recommending
it lie on the table.

Which was placed on file without reading.

Mr. Sarnighausen, from the committee on sanitary affairs, reported Senate Bills Nos. 149 and 48, "Acts in relation to the medical profession and the appointment of a board of health," with the report of the committee recommending that they lie on the table.

Which was placed on file without reading.

Mr. Sarnighausen introduced Senate Bill No. 428, entitled 'an act to provide for the appointment of guardians, the management of wards' estates, and the settlement of decedents' estates, preserving the rights, liabilities and duties of officers connected with the management thereof, and the heirs thereto, and repealing all laws and parts of laws in conflict with the provisions of this act, relating to testamentary and of administration, which was referred to a special committee consisting of Senators Viehe, Wilson and Kent, with reading.

Mr. Comstock, by request, introduced Senate Bill No. 429, titled "An act to legalize the elections held in the year 1878, in town of Washington, Wayne county, Indiana, and to legalize official acts of the board of trustees of said town for said year, to legalize the acts of all other officers of said corporation for year, under an act for the incorporation of towns, defining powers, providing for the election of officers thereof, and declaring their duties, approved June 11, 1852, and to legalize all by-laws."

rules, regulations and proceedings of said board of trustees and said other officers, adopted in pursuance thereof."

A statement of the history of the irregular acts of said town officers, follows the title of the bill, etc.

Read the first time and referred to the committee on the judiciary.

Mr. Wood, by request, introduced Senate Bill No. 430, entitled "An act for the protection of wild game."

Read the first time and referred to the committee on rights and privileges.

Mr. Smith introduced Senate Bill No. 431, entitled "An act to amend section 79 of an act entitled an act to repeal all general laws now in force for the incorporation of cities and provide for the incorporation of cities, prescribing their powers and rights, and the manner in which they shall exercise the same, and to regulate such other matters as properly pertain thereto, approved March 14, 1867."

Read the first time and referred to the committee on elections.

Mr. Fowler introduced Senate Bill No. 432, entitled "An act to amend section 10 of an act entitled an act to establish a House of Refuge for the correction and reformation of juvenile offenders, approved March 8, 1867, as amended by an act entitled a bill to amend an act entitled an act to establish a House of Refuge for the correction and reformation of juvenile offenders, approved March 8, 1867, and repealing section 11 of said act, approved December 10, 1872, and declaring an emergency."

Read the first time and referred to the committee on the judiciary.

Mr. Poindexter, by request, introduced Senate Bill No. 433, entitled "An act defining the crime of drunkenness in public, and also defining the crime of encouraging drunkenness, and prescribing punishment therefor."

Which was referred to the committee on temperance without reading.

Mr. Kahlo, by request, introduced Senate Bill No. 434, entitled "An act to provide for the examination and appointment of licensed surveyors."

Read the first time and referred to the committee on the judiciary.

Mr. Streight moved that Senate Bill No. 196, entitled "An act to regulate the tolls on plank, macadamized and gravel roads," etc., be taken up and read the second time.

Which was agreed to.

Senate Bill No. 196 was then read the second time, with port of the committee recommending its passage.

Which was concurred in and the bill ordered engrossed.

Mr. Garrigus introduced Senate Bill No. 435, entitled "An amend section 17, of an act entitled an act fixing the fees, salaries, duties and compensation of the officers and persons therein, prohibiting the violation of its provisions, and repealing certain laws, approved March 12, 1875."

Read the first time and referred to the committee on public ing.

Mr. Garrigus introduced Senate Bill No. 436, entitled, "An act to amend section 4 of an act entitled an act to provide for a uniform assessment of property, and for the collection and return of thereon, approved December 21, 1872, approved March 8, 1875."

Read the first time and referred to the committee on public ing.

Mr. Olds introduced Senate Bill No. 437, entitled, "A bill to amend section 455 of an act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice without distinction between law and equity, approved June 12, 1852."

Read the first time and referred to the committee on the judiciary.

Mr. Streight introduced Senate Bill No. 438, entitled "An act to amend an act entitled an act fixing the fees, salaries, duties and compensation of the officers and persons named therein, prohibiting the violation of its provisions, and repealing certain laws, approved March 12, 1875."

Which was referred to the committee on fees and salaries.

Mr. Kent moved that Senate Bill No. 197, entitled "An act to protect the ballot box," etc., be taken up.

Which was agreed to.

Senate Bill No. 197 was then read the second time with the report of the committee recommending its passage.

Which was concurred in.

Mr. Kent moved that the constitutional rule be suspended, the bill be considered engrossed, read the third time and put up for passage.

the question being on the suspension of the constitutional rule.
The ayes and noes were ordered and taken, resulting as follows:

Those who voted in the affirmative were: Senators Burrell, Wallader, Coffey, Comstock, Davis, Dice, Donham, Fowler, Rigus, Grubbs, Harris, Hart, Heilman, Kahlo, Kent, Kramer, McGdon, Major, Menzies, Mercer, Moore, Olds, Peterson, Poindex-Ragan, Reiley, Sarnighausen, Smith, Streight, Tarlton, Taylor, Traylor, Trusler, Urmstan, Viehe, Weir, Wilson, Winterbotham, Wood and Woollen—40.

No one voting in the negative.

The constitutional rule was suspended.

Senate Bill No. 197 was read the third time.

The question being, shall the bill pass?

The ayes and noes were ordered and taken, resulting as follows:

Those who voted in the affirmative were: Senators Burrell, Wallader, Coffey, Comstock, Davis, Dice, Donham, Fowler, Rigus, Grubbs, Harris, Hart, Heilman, Kahlo, Kent, Kramer, McGdon, Major, Menzies, Mercer, Moore, Olds, Peterson, Poindex-Ragan, Reiley, Sarnighausen, Shirk, Smith, Streight, Tarlton, Traylor, Trusler, Urmstan, Weir, Wilson, Winterbotham, Wood and Woollen—40.

No one voting in the negative.

The bill passed.

The title of the bill was read and ordered by the Senate to stand proved as read.

Mr. Dice moved that one hundred copies of Senate Bills Nos. 337 and 338 be printed.

Which was agreed to.

Mr. Comstock moved that Senate Bill No. 271, entitled "An act enlarging the jurisdiction of mayors of cities and justices of the peace in criminal cases," etc., be taken up.

Which was agreed to.

Senate Bill No. 271 was read the second time with the report of the committee recommending its passage.

Which was concurred in.

Mr. Comstock moved that the constitutional rule be suspended,

the bill be considered engrossed, read a third time and put upon passage.

The question being on suspending the constitutional rule.

The ayes and noes were ordered and taken, resulting as follows:

Those who voted in the affirmative were: Senators Comstock, Davis, Fowler, Garrigus, Grubbs, Harris, Hart, Heilman, Kahlo, Kramer, Langdon, Leeper, Major, Menzies, Mercer, Moore, Peterson, Poindexter, Ragan, Reiley, Sarnighausen, Shirk, Smith, Tilton, Trusler, Urmstan, Weir, Winterbotham, Wood and Woolley—30.

Those who voted in the negative were: Senators Burrell, Callwallader, Coffey, Dice, Donham, Kent, Olds and Traylor—8.

The rule was not suspended.

The bill was then ordered engrossed.

Leave of absence was asked and obtained for Mr. Streight until Monday.

Mr. Harris moved that Senate Bill No. 57, entitled "An act concerning workhouses," be taken up.

Which was agreed to.

Senate Bill No. 57 was read by title the second time.

The report of the committee recommending its passage was concurred in.

The bill was ordered engrossed.

Mr. Coffey moved to take up House amendments to Senate Bill No. 277, entitled "An act concerning interest and usury."

Mr. Menzies moved that the amendments be referred to a special committee of five.

Mr. Heilman moved that they be referred to the judiciary committee.

The question being on the motion to refer to the judiciary committee.

The ayes and noes were demanded by Messrs. Menzies and Harris, which being ordered and taken, resulted as follows:

Those who voted in the affirmative were: Senators Comstock, Garrigus, Grubbs, Harris, Heilman, Kahlo, Langdon, Moore, Olds, Peterson, Sarnighausen, Shirk, Smith and Weir—14.

Those who voted in the negative were: Senators Burrell, Cadwallader, Coffey, Davis, Dice, Donham, Fowler, Hart, Kent, Kramer, Leeper, Major, Menzies, Mercer, Poindexter, Ragan, Sealey, Tarlton, Traylor, Trusler, Urmstan, Viehe, Wilson, Winterbotham and Wood—25.

The motion was rejected.

The question recurring on the motion to refer to a special committee of five.

It was agreed to.

The chair made the committee to consist of Messrs. Menzies, Coffey, Trusler, Cadwallader and Foster.

Mr. Grubbs moved that House Bill No. 187, entitled "An act defining the meaning of the first proviso of the second section of an act entitled an act to provide for the relocation of county seats, etc., approved March 2, 1855," be taken up.

Which was agreed to.

Engrossed House Bill No. 187 was taken up and read the first time.

Leave of absence was asked and obtained for Mr. Shirk until Wednesday at 2 o'clock P. M.

Mr. Burrell moved that the constitutional rule be suspended.

Engrossed House Bill No. 187 was read the second time and engrossed.

The question being on the suspension of the constitutional rule.

The ayes and noes were ordered and taken, resulting as follows:

Those who voted in the affirmative were: Senators Burrell, Cadwallader, Coffey, Comstock, Davis, Dice, Donham, Fowler, Harrigus, Grubbs, Harris, Hart, Heilman, Kahlo, Kent, Kramer, Langdon, Leeper, Major, Mercer, Moore, Olds, Peterson, Ragan, Sealey, Sarnighausen, Shirk, Smith, Tarlton, Traylor, Trusler, Urmstan, Viehe, Weir, Winterbotham and Wood—36.

Those who voted in the negative were: Senators Poindexter and Wilson—2.

The rule was suspended.

Engrossed House Bill No. 187 was then read the second time and ordered engrossed.

Mr. Olds moved that Senate Bill No. 267, entitled "An act to

amend section 1 of an act entitled an act to amend sections 550 and 521 of an act entitled an act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases," etc., be taken

Which was agreed to.

Senate Bill No. 267 was taken up and read the second time, the report of the committee suggesting amendments, and when amended recommending its passage.

Mr. Olds offered the following amendment to the report of the committee:

Amend report of the committee by striking out the words "it be amended by striking out section 2, and when so amended recommend its adoption."

Which was agreed to.

The report of the committee as amended, was then concurred in and the bill ordered engrossed.

Mr. Cadwallader moved to take up Senate Bill No. 198, entitled "An act prescribing certain duties of railroad companies," etc.

Which was agreed to.

Senate Bill No. 198 was taken up and read the second time, with the report of the committee recommending its passage.

Which was concurred in.

Mr. Cadwallader moved to suspend the constitutional rules, consider the bill engrossed, read it a third time, and put it upon its passage.

The question being on the suspension of the constitutional rules

The ayes and noes were ordered and taken resulting as follows

Those who voted in the affirmative were: Senators Burr, Cadwallader, Coffey, Comstock, Dice, Donham, Fowler, Garrigues, Grubbs, Harris, Hart, Heilman, Kahlo, Kent, Kramer, Langdon, Leeper, Menzies, Mercer, Moore, Olds, Peterson, Poindexter, Reiley, Sarnighausen, Shirk, Smith, Tarlton, Trusler, Urmston, Viehe, Weir, Wilson, Winterbotham, Wood and Woollen—36.

Senator Traylor voting in the negative.

The rule was suspended.

Senate Bill No. 198 was read a third time.

The question being, shall the bill pass?

The ayes and noes were ordered and taken resulting as follows

Those who voted in the affirmative were: Senators Burrell, Cadwallader, Coffey, Comstock, Dice, Donham, Fowler, Garrigus, Grubbs, Harris, Heilman, Kent, Kramer, Langdon, Leeper, Men-
s, Mercer, Moore, Olds, Peterson, Poindexter, Ragan, Reiley, Righausen, Shirk, Tarlton, Traylor, Trusler, Urmstan, Viehe,
air, Wilson, Winterbotham and Wood—34.

No one voting in the negative.

The bill passed.

The title of the bill was read and ordered by the Senate to stand approved as read.

Mr. Viehe moved that engrossed House Bill No. 56, entitled "An act defining the twelfth, tenth, and third judicial circuits of the State of Indiana," etc., be taken up and read the first time.

Which was agreed to.

Engrossed House Bill No. 56 was taken up and read the first time.

Which was referred to the committee on the organization of courts.

Mr. Moore moved to take up engrossed House Bill No. 158, entitled "An act in relation to settlements made by boards of county commissioners with county, township, and school officers."

Which was agreed to.

Engrossed House Bill No. 158 was taken up and read the second time, with the report of the committee, recommending its passage.

Which was concurred in.

Leave of absence was asked and obtained for Mr. Garrigus until Monday, at 2 P. M.

Mr. Burrell offered the following amendment to House Bill No. 158:

"To strike out section 2 of the bill."

Which was rejected.

Mr. Moore moved that the constitutional rule be suspended, the bill considered engrossed, read a third time and put upon its passage.

The question being on the suspension of the rules.

The ayes and noes were ordered and taken, resulting as follows:

Those who voted in the affirmative were: Senators Cadwallader, Comstock, Dice, Fowler, Garrigus, Grubbs, Harris, Hart, Heilman, Kent, Kramer, Langdon, Leeper, Major, Mercer, Moore, Olds,

Peterson, Poindexter, Ragan, Reiley, Sarnighausen, Smith, T. Traylor, Trusler, Urmstan, Weir, Wilson, Winterbotham and V—31.

Those who voted in the negative were: Senators Burrell, C. Donham, Menzies, Tarlton and Viehe—6.

The rule was not suspended.

Mr. Comstock presented the claim of Henry D. Fox for \$4 for services as judge of the Wayne county superior court.

Which was referred to the committee on finance without rea

Mr. Kramer moved to take up Senate Bill No. 308, entitled act supplemental and amendatory of an act entitled an act to vide for a uniform assessment of property," etc., approved December 21, 1872.

The Senate adjourned.

AFTERNOON SESSION.

FEBRUARY 22, 187

Senate reassembled at 2 o'clock, Lieutenant-Governor Gr the chair.

The following message was received from the House by the C thereof:

MR. PRESIDENT:

I am directed by the Speaker of the House to inform the S that the House has passed engrossed House Bill No. 112, ent "An act to provide for the appointment and confirmation of trustees of the Indiana Asylum for the Blind, the Institution for Education of the Deaf and Dumb, and the State Hospital for Insane, and for the more efficient management and uniform government of the same."

And the same is herewith transmitted to the Senate for its a thereon.

Mr. Burrell moved to take up engrossed House Bill No. 112 titled "An act to provide for the appointment and confirmation the trustees of the Indiana Asylum for the Blind, the Instit

for the Education of the Deaf and Dumb and the State Hospital for the Insane, and for the more efficient management and uniform government of the same."

Which was agreed to.

Engrossed House Bill No. 112 was taken up and read the first time.

Which was referred to the committee on benevolent institutions.

Mr. Menzies, from the special committee, submitted a report on Senate Bill No. 277, an act concerning interest and usury, with the house amendments thereto, recommending that the Senate do not incur in said amendments, and further recommending that a conference committee of the two houses be appointed to confer upon the same.

Which was concurred in.

Mr. Menzies offered the following resolution:

Resolved, That a conference committee consisting of three members of the Senate and three members of the House of Representatives be appointed to confer upon Senate Bill No. 277, with the house amendments thereto.

Which was adopted.

The following message was received from the House by the Clerk thereof:

M. R. PRESIDENT:

I am directed by the Speaker of the House to inform the Senate that the House has passed Engrossed House Bill No. 498, entitled "A bill for an act to amend an act entitled an act to amend the fifty-fifth and sixty-sixth sections of an act providing for the settlement of decedents' estates, prescribing the rights, liabilities and duties of officers connected with the management thereof and the forms thereto, and certain forms to be used in such settlements, approved June 17, 1852, and supplemental thereto, approved February 20, 1855."

Also, Engrossed House Bill No. 386, entitled "An act to exempt growing crops from sale on execution."

Also, Engrossed House Bill No. 5, entitled "An act to amend section 1 of an act entitled "An act regulating the number of grand jurors, and the manner of their selection, approved March 13, 1875."

Also, Engrossed House Bill No. 228, entitled "An act to enable the superintendent of public instruction, and the auditor of Adams county to reopen the account between Adams county and the State,

for the purpose of correcting errors in the principal of the self fund held in trust by Adams county."

Also, Engrossed House Bill No. 453, entitled "An act to amend section 2 of an act providing for the election and appointment of supervisors of highways," etc.

Also, Engrossed House Bill No. 592, entitled "An act making general appropriation for the support of the State government in 1880 and 1881."

Also, engrossed House Bill No. 168, entitled "An act to authorize cities and towns to issue bonds for the purpose of funding their indebtedness," etc.

Also, engrossed House Bill No. 261, entitled "A bill for an act entitled an act in relation to fences and hedges along public highways," etc.

Also, engrossed House Bill No. 231, entitled "An act to legalize the incorporation of the town of Auburn, DeKalb county, Indiana," etc.

Also, engrossed House Bill No. 55, entitled "An act to legalize certain acts of the board of commissioners of Clinton county, in the purchase of certain grounds at sheriff's sale," etc.

Also, engrossed House Bill No. 390, entitled "An act to legalize the election of each person who was declared elected to the office of township trustee at the April election of 1878."

Also, engrossed House Bill No. 493, entitled "An act to prevent breechy animals from running at large," etc.

Also, engrossed House Bill No. 303, entitled "A bill for an act to legalize the acts and proceedings of the Board of trustees of the town of Tell City, in Perry county, in the State of Indiana," etc.

Also, engrossed House Bill No. 174, "A bill entitled a bill for the repeal of section 2 of an act entitled an act defining certain misdemeanors," etc.

And the same are herewith transmitted to the Senate for their action thereon.

Mr. Kramer moved to take up Senate Bill No. 308, entitled "An act supplemental and amendatory of an act entitled an act to provide for a uniform assessment of property, etc., approved December 21, 1872."

Which was agreed to.

Senate Bill No. 308 was taken up and read the second time with the report of the committee recommending its passage.

Which was concurred in.

Leave of absence was asked and obtained for the committee on public buildings.

Mr. Wilson offered the following amendment to Senate Bill No. 08. Amend as follows:

Strike out "ten per cent. penalty on delinquent taxes," and insert "five per cent. penalty on delinquent taxes" in lieu thereof, and strike out "six per cent. on delinquent taxes" and insert "five per cent." in lieu thereof.

Which was rejected.

Mr. Trusler moved that when the Senate adjourn it be until 2 o'clock P. M. Monday.

Mr. Harris moved to amend by inserting 10½ o'clock A. M. instead of 2 o'clock P. M.

Mr. Burrell moved to amend the amendment by inserting a quarter before 9 o'clock A. M. instead of 10½ o'clock A. M.

The question being on the amendment to the amendment.

Messrs. Olds and Langdon demanded the ayes and noes.

Mr. Winterbotham demanded a call of the Senate, which being ordered and taken, discovered the following Senators present and answering to their names:

Senators Burrell, Cadwallader, Coffey, Comstock, Dice, Donham, Fowler, Garrigus, Grubbs, Harris, Hart, Heilman, Kent, Kramer, Langdon, Major, Mercer, Moore, Olds, Peterson, Poindexter, Ragan, Reiley, Sarnighausen, Smith, Taylor, Traylor, Trusler, Urmstan, Weir, Wilson, Winterbotham and Wood—33.

Mr. Winterbotham moved that the doors be closed and the absentees sent for.

Which was agreed to.

The Senate adjourned.

(Approved.)

ISAAC P. GRAY,
President of the Senate.

MONDAY MORNING.

FEBRUARY 24, 18

The Senate met at 9 o'clock, A. M., with Lieutenant-Gov Gray in the chair.

The Journal of Saturday was being read when, on motion of Benz, the further reading of the same was dispensed with.

Mr. Kramer moved to take up Senate Bill No. 308, entitled "act supplemental and amendatory of an act entitled an act to provide for a uniform assessment of property, etc., approved December 21, 1872."

Which was agreed to.

On motion of Mr. Kramer the bill was ordered engrossed.

Mr. Kahlo moved to take up Senate Bill No. 56, entitled "act to amend sections 175 and 176 of an act entitled an act to revise, simplify and abridge the rules, practice, pleadings and forms of action at law," etc.

Which was agreed to.

Senate Bill No. 56 was read the second time, with the report of the committee recommending its passage after certain amendments.

Which was concurred in.

The bill was then ordered engrossed.

Mr. Shaffer moved to take up Senate Bill No. 122, entitled "act to provide for the repair of free turnpike roads in the various counties of this State," etc.

Which was agreed to.

Senate Bill No. 122 was taken up and read the second time, with the report of the committee suggesting amendments, and when amended recommending its passage.

The report of the committee was concurred in and the bill ordered engrossed.

Mr. Heilman moved to take up Senate Bill No. 325, entitled "act to amend section 30 of an act entitled an act granting the rights of the town of Evansville, Vanderburg county, a city charter."

Which was agreed to.

Senate Bill No. 325 was taken up and read the second time, with the report of the committee suggesting amendments, and when so amended recommending its passage.

The report of the committee was concurred in and the bill ordered engrossed.

Mr. Hart moved to suspend the order of business, and that the Senate take up Senate Bill No. 169, entitled "An act to protect persons who are mortgagors from disposing of the same," etc.

Which was agreed to.

The bill was read the second time, with the report of the committee recommending the adoption of a substitute, and that the bill then pass.

Mr. Grubbs offered the following amendment:

Amend the report of the committee so as to strike out all after the enacting clause and insert the amended bill as reported by the committee on the judiciary.

Which was concurred in, and the bill ordered engrossed.

Mr. Sarnighausen moved to take up Senate Bill No. 258, "To legalize the acts of the board of commissioners of Allen county and the acts of the Common Council of Fort Wayne," etc.

Which was agreed to.

The bill was read the second time, with the report of the committee recommending its passage.

Which was concurred in, and the bill ordered engrossed.

On motion of Mr. Shaffer, Senate Bill No. 179, in relation to the establishment of a State board of health, which was made a special order for 10 o'clock, be continued until 11 o'clock.

Which was agreed to.

On motion of Mr. Winterbotham, House bills were taken up.

Engrossed House Bill No. 5, entitled "An act to amend section 1 of an act entitled an act regulating the number of grand jurors, and the manner of their selection, approved March 13, 1875," was taken up.

Read the first time and referred to the committee on the judiciary.

Engrossed House Bill No. 38, entitled "An act entitled an act to amend section 6 of an act entitled an act concerning inclosures, tres-

passing animals, and partition fences, approved June 4, 1852," taken up.

Read the first time and referred to the committee on county township business.

The following message was received from the House by the C thereof:

MR. PRESIDENT:

I am directed by the Speaker of the House to inform the S that the House has passed engrossed House Bill No. 114, entitled "An act to legalize and make valid the organization of co building, loan, and savings associations, and to extend the term the existence, in certain cases, of all the building, loan, and savings associations."

Also, engrossed House Bill No. 179, entitled "An act to prevent the manufacture and sale of adulterated commercial fertilizers."

Also, engrossed House Bill No. 58, entitled "An act concerning prisoners in jail."

Also, engrossed Senate Bill No. 58, entitled "A bill to amend an act entitled an act declaring agreements to pay attorney's fees, contained in any bill of exchange, acceptance, draft, promissory note or written evidence of indebtedness, illegal and void, and declaring an emergency, approved March 10, 1875."

Also, engrossed House Bill No. 444, entitled "An act relating to and defining warehousemen, and warehouse receipts; also, gang receipts for distilled spirits, and defining the crime, and providing the punishment, for the violations thereof, and declaring an emergency."

And I am further directed by the Speaker of the House to inform the Senate that he has signed enrolled House Bill No. 141, entitled "An act to legalize the official acts of the board of trustees of the town of Boonville, in Warrick county, Indiana."

And the same are herewith transmitted to the Senate for its action thereon.

Engrossed House Bill No. 59, entitled "An act providing for appeals from the board of county commissioners in proceedings for annexation of territory to towns and cities against the owners, for trial of the same in the circuit court," was taken up.

Read the first time and referred to the committee on the judiciary

Engrossed House Bill No. 88, entitled "An act to repeal an act entitled an act defining vagrancy and other offences therein specifically," etc., was taken up.

Read the first time and referred to the committee on the judiciary.

Engrossed House Bill No. 122, entitled "An act supplemental to act entitled an act to authorize cities and towns to negotiate and bonds to procure means with which to erect and complete unfinished school buildings, and to purchase any grounds and buildings for school purposes," was taken up.

Read the first time and referred to the committee on education.

Engrossed House Bill No. 455, entitled "A bill for an act to facilitate the transfer to the United States of the title of the State of Maryland to the Antietam National Cemetery, in the State of Maryland," was taken up.

Read the first time and referred to the committee on rights and privileges.

Engrossed House Bill No. 131, entitled "An act to amend section of an act entitled an act to revise, simplify and abridge the rules, practice; pleadings and forms in civil cases," etc., was taken up.

Read the first time and referred to the committee on the judiciary.

Engrossed House Bill No. 132, entitled "An act to provide for issuing of letters testamentary and letters of administration, and repeal sections 1 and 7 of chapter 2 of an act providing for the settlement of decedents' estates," etc., was taken up.

Read the first time and referred to the committee on the judiciary.

Engrossed House Bill No. 168, entitled "An act to authorize cities and towns to issue bonds for the purpose of funding their indebtedness, was taken up.

Read the first time and referred to the committee on the judiciary.

Engrossed House Bill No. 174, a bill entitled "An act for the repeal of section 2 of an act defining certain misdemeanors, and prescribing punishment therefor, approved December 2, 1865, was taken up.

Read the first time and referred to the committee on the judiciary.

Engrossed House Bill No. 228, entitled "An act to enable the superintendent of public instruction and the auditor of Adams county to re-open the account between Adams county and the

State for the purpose of correcting errors in the principal of school fund held in trust by Adams county," was taken up.

Read the first time, and referred to the committee on education.

Engrossed House Bill No. 231, entitled "An act to legalize the incorporation of the town of Auburn, DeKalb county, Indiana, etc., was taken up.

Read the first time and referred to the committee on the judiciary.

Engrossed House Bill No. 261, entitled "A bill for an act entitled an act in relation to fences and hedges along public highways," was taken up.

Read the first time and referred to the committee on roads.

Engrossed House Bill No. 271, entitled "An act to amend sections 1, 2, 4 and 5 of an act entitled an act authorizing street or railway companies to use state, county or township roads or public highways, under certain conditions and regulations, and declaring an emergency therefor," was taken up.

Read the first time and referred to the committee on roads.

Engrossed House Bill No. 303, entitled "A bill for an act to legalize the acts and proceedings of the board of trustees and officers of the town of Tell City, in Perry county, in the State of Indiana; and, also, the record by them made of their proceedings and acts in all cases, since the incorporation of said town, and declaring an emergency," was taken up.

Read the first time and referred to the committee on corporations.

Engrossed House Bill No. 364, entitled "An act to authorize county sheriffs to administer oaths in certain cases," was taken up.

Read the first time and referred to the committee on the judiciary.

Engrossed House Bill No. 388, entitled "An act to exempt growing crops from sale on execution until the same shall have fully matured," was taken up.

Read the first time and referred to the committee on the judiciary.

Engrossed House Bill No. 390, entitled "An act to legalize the election of each person who was declared elected to the office of township trustee, at the April election of 1878," was taken up.

Read the first time and referred to the committee on the judiciary.

Engrossed House Bill No. 592, entitled "An act making gen

appropriations for the support of the State government for 1880 and 1881," was taken up.

Read the first time and referred to the committee on finance.

Engrossed House Bill No. 453, entitled "An act to amend section of an act entitled an act providing for the election and appointment of supervisors of highways and prescribing certain of their duties and those of county and township officers in certain relation hereto, and to repeal all laws inconsistent therewith, approved March 5, 1877," was taken up.

Read the first time and referred to the committee on rights and privileges.

Engrossed House Bill No. 493, entitled "An act to prevent eachy animals from running at large," etc., was taken up.

Read the first time and referred to the committee on agriculture.

Engrossed House Bill No. 496, entitled "An act concerning decedents' estates," was taken up.

Read the first time and referred to the committee on the judiciary.

Engrossed House Bill No. 497, entitled "An act to amend an act entitled an act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases," etc., was taken up.

Read the first time and referred to the committee on the judiciary.

Engrossed House Bill No. 498, entitled "An act to amend an act entitled an act to amend sections 65 and 66 of an act providing for the settlement of decedents' estates," etc., was taken up.

Read the first time and referred to the committee on the judiciary.

Engrossed House Bill No. 12, entitled "An act to legalize the corporation of the town of Seymour, Jackson county, Indiana," etc., was taken up.

Read the first time and referred to the committee on corporations.

Engrossed House Bill No. 24, entitled "A bill regulating the indebtedness of counties having a voting population of over twenty thousand, as shown by the vote cast for Governor at the last preceding election, authorizing the funding of indebtedness of such counties in bonds in certain cases, prohibiting the creation of county debt, except as herein authorized, and prescribing the kind and amount that may be created, limiting the amount of taxes that may be levied by the board of county commissioners, prescribing penalties for certain violations of this act, and repealing all laws in conflict therewith and declaring an emergency," was taken up and read

the first time and with certain amendments offered by Mr. Wood was referred to the committee on the judiciary.

Engrossed House Bill No. 55, entitled "An act to legalize certain acts of the board of county commissioners of Clinton county in the purchase of certain grounds at sheriff's sales," etc., was taken up.

Read the first time and referred to the committee on corporations.

Mr. Olds presented the petition and claim of James S. Frazer.

Which was referred to the committee on claims without reading.

Mr. Foster moved to take up Senate Bill No. 103, entitled "An act in relation to the establishment of water works," etc.

Which was agreed to.

The bill was read the second time, with the report of the committee recommending its passage.

Which was concurred in.

Mr. Harris offered the following amendment:

Amend by inserting after the word "city," section 1, line two, the following:

Having a population of less than 45,000 inhabitants, as shown in the last preceding United States census.

Which was adopted.

On motion of Mr. Shaffer, the special order for 11 o'clock was again continued until 2 o'clock P. M.

Mr. Burrell offered the following amendment:

Amend the bill so that the same shall only apply to the city of Fort Wayne and within three miles of the city.

Mr. Benz moved the previous question.

Which was not seconded by the Senate.

The amendment offered by Mr. Burrell was then rejected.

Mr. Menzies offered the following amendment:

Amend the bill by striking out the word "artificial" wherever the same occurs therein.

Which was adopted.

Mr. Kramer offered the following amendment:

Amend the bill by striking out the words "incorporated town" wherever the same occurs in the bill.

Which was rejected.

Mr. Leeper moved to amend as follows:

Amend section 1 in line 9 by inserting after the word "obtained," the words "not less than ninety-seven cents on the dollar."

Which was agreed to.

Mr. Menzies offered the following amendment to section 2.

Provided, That nothing herein contained shall be construed to authorize the taking or condemning any artificial water course belonging to any individual or corporation.

Which was rejected.

Mr. Urmstan moved to refer the bill to a special committee of three, with instructions to report to-morrow at 10 o'clock.

Which was agreed to.

The chair appointed as the special committee Messrs. Foster, Angdon and Urmstan.

The chair appointed as the conference committee on the part of the Senate, on Bill No., 277 Messrs. Menzies and Coffey.

Mr. Weir moved to take up Senate Bill No. 144, in relation to the repeal of all laws or parts of laws now in force providing for the levy of a cash or money poll tax, etc.

Which was agreed to.

Senate Bill No. 144 was read the second time, with the report of the committee recommending its passage after certain amendments.

Mr. Streight moved to recommit the bill.

Mr. Menzies moved to indefinitely postpone.

The ayes and noes were demanded by Messrs. Streight and Dice.

The Senate adjourned.

AFTERNOON SESSION.

FEBRUARY 24, 1879.

The Senate reassembled at 2 o'clock P. M., Lieutenant-Governor Ray in the chair.

The question being on the motion to indefinitely postpone.

The ayes and noes were ordered and taken, resulting as follows:

Those who voted in the affirmative were: Senators Burr Coffey, Donham, Harris, Menzies, Peterson, Ragan, Sarnighaus Tarlton, Traylor, Trusler, Urmstan, Viehe and Wood—14.

Those who voted in the negative were: Senators Benz, Briscoe, Comstock, Davenport, Davis, Dice, Fowler, Grubbs, Hart, Heffner, Heilman, Kahlo, Kramer, Langdon, Major, Mercer, Poindexter, Reiley, Shirk, Streight, Treat, Weir, Wilson and Winterbotham—24.

The motion to indefinitely postpone was rejected.

Mr. Weir moved to recommit the bill to a special committee of three with instruction to report to-morrow morning.

Which was agreed to.

The chair appointed as such special committee, Messrs. Wilson, Dice and Wood.

Mr. Ragan moved that Senate Bill No. 274, entitled "An act to relieve Thomas N. Jones, of Hendricks county, from judgment on official bond of Lawrence S. Shuler," etc., be referred to a special committee of five.

Which was agreed to.

The chair appointed Messrs. Ragan, Kahlo, Garrigus, Davis and Benz.

Mr. Wilson introduced Senate Bill No. 439, entitled "An act providing for fixing the length of time for which a stay of execution may be obtained on judgments for the recovery of money or sale of property rendered in or by the courts of this State, prescribing the number and kind of sureties to be given to obtain the same, excepting certain classes of judgments and decrees from stay and exemption laws, in conflict with this act and declaring an emergency."

Which, on motion of Mr. Wilson, was referred to a special committee without reading.

The chair appointed as such special committee, Messrs. Briscoe, Woollen and Urmstan, with instructions to report to-morrow.

Mr. Coffey moved to take up Senate Bill No. 61, "An act to provide for the election of sheriffs," etc.

Which was agreed to.

Senate Bill No. 61 was read the second time, with the report of the committee suggesting amendments, and when so amended recommending its passage.

The report of the committee was concurred in and the bill ordered engrossed.

Mr. Langdon moved to take up Senate Bill No. 207, "An act providing for determining, allowing and paying claims against the State," etc.

Which was agreed to.

Senate Bill No. 207 was taken up and read the second time, with the report of the committee suggesting amendments, and when so amended recommending its passage.

Mr. Langdon offered the following amendment to the report of the committee:

Amend section 10, line two, by striking out the word "claim" and insert the word "action."

Mr. Reeve offered the following as a substitute for the amendments and report of the committee, so far as they affect section 10:

All claims now existing that have accrued within six years last past, shall be presented within six years after this act takes effect; and thereafter all claims shall be presented within six years after they become due and payable: *Provided*, That all persons laboring under legal disabilities may present such claims at any time within two years after the removal of such disability.

Which was adopted.

And the report as amended was then concurred in.

Mr. Wood moved to amend as follows:

Amend by adding the following to section 1: "But that all claims known as the Morgan raid claims, and the Wabash and Erie canal claims and bonds, shall not be heard or considered by such board."

Mr. Langdon moved to reject the amendment.

Which was not agreed to.

The question recurring on the adoption of the amendment.

The ayes and noes were demanded by Messrs. Wood and Reeve, which being ordered and taken, resulted as follows:

Those who voted in the affirmative were: Senators Cadwallader, Comstock, Davenport, Foster, Fowler, Garrigus, Grubbs, Harris, Hart, Heilman, Kahlo, Kent, Kramer, Langdon, Leeper, Major, Menzies, Mercer, Olds, Peterson, Poindexter, Ragan, Reeve, Sarnighausen, Shaffer, Shirk, Smith, Streight, Taylor, Traylor, Treat, Trusler, Urmstan, Viehe, Winterbotham, Wood and Woollen—37.

Those who voted in the negative were: Senators Benz, Burrell, Coffey, Davis, Donham, Moore, Reiley and Tarlton—9
The amendment was adopted.

Section 1 as amended was then adopted.

Mr. Taylor offered the following amendment:

Amend section 10 by adding, "*Provided*, That claims for ditel under the law of May 20, 1852, shall not be excluded if presented within two years from the taking effect of this act."

Which was rejected.

Mr. Coffey offered the following amendment:

Amend section 5 by striking out all after the word "may," line 2, and insert the following: "Immediately appeal from allowance to the Marion circuit court by entering in said record the day of the entry of such allowance immediately following same the following statement, to-wit: 'Allowance appealed from and signing his name thereto and filing bond approved by the Auditor of State for security for costs. That upon such appeal being taken it shall be the duty of the auditor to make out a full, true and complete transcript of such record and file the same in the Marion circuit court, when the same shall be docketed and tried with other appeals.'"

Which was adopted.

Section 5 as amended was then adopted.

Mr. Hefron offered the following amendment:

Amend section 3 by inserting in line 2, after the word "allowance" the words "or disallowance." Also, in line 3, insert after the word "and" the words "and if allowed."

Which was adopted.

Section 3 as amended was then adopted.

Mr. Hefron offered the following amendment:

Strike out section 6 and substitute the following: "Appeals may be taken by either party from any judgment, as in other cases; *Provided*, That if the appeal be taken by the claimant he shall file bond to the approval of the Auditor of State for security for costs."

Which was adopted.

Mr. Langdon offered the following amendment:

"Except cases that have been examined by the authority of the State, and the claims stated to be correct and which are unpaid."

Which was rejected.

the bill as amended was then adopted.

Mr. Urmstan moved the bill be engrossed.

Which was agreed to.

Mr. Langdon moved that the constitutional rule be suspended, the bill read the third time and put upon its passage.

The question being on the suspension of the constitutional rule. The ayes and noes were ordered and taken, resulting as follows:

Those who voted in the affirmative were: Senators Cadwallader, Stock, Davenport, Dice, Garrigus, Grubbs, Harris, Hefron, Laman, Kahlo, Langdon, Leeper, Menzies, Mercer, Moore, Olds, Peterson, Poindexter, Ragan, Reeve, Shaffer, Shirk, Smith, Streight, Tabor, Treat, Trusler, Weir, Wilson, Winterbotham, Wood and Hollen—32.

Those who voted in the negative were: Senators Benz, Briscoe, Burrell, Coffey, Davis, Donham, Foster, Fowler, Hart, Kent, Lamer, Major, Reiley, Sarnighausen, Tarlton, Traylor, Urmstan and Viehe—18.

The motion to suspend the rules did not prevail.

Mr. Burrell moved that the regular order be suspended, and Senate Bill No. 54, in relation to fixing the number of Senators and Representatives to the General Assembly of the State of Indiana, be taken up.

The question being on the motion to suspend the regular order.

The ayes and noes were demanded by Messrs. Harris and Menzies.

Mr. Harris moved that the consideration of Senate Bill No. 54 be postponed until to-morrow morning.

Mr. Menzies moved to lay the motion of Mr. Harris on the table.

Messrs. Harris and Grubbs demanded the ayes and noes, which were ordered and taken resulted as follows:

Those who voted in the affirmative were: Senators Benz, Briscoe, Burrell, Coffey, Donham, Foster, Fowler, Hart, Hefron, Kent, Lamer, Leeper, Major, Menzies, Peterson, Reeve, Reiley, Sarnighausen, Tarlton, Traylor, Urmstan, Viehe, Winterbotham, Wood, Hollen and Mr. President—26.

Those who voted in the negative were: Senators Cadwallader, Stock, Davenport, Davis, Dice, Garrigus, Grubbs, Harris, Laman, Kahlo, Langdon, Mercer, Moore, Olds, Poindexter,

Ragan, Shaffer, Shirk, Smith, Streight, Taylor, Treat, Trusler, Weir and Wilson—25.

The motion was agreed to.

Mr. Burrell demanded the previous question.

The ayes and noes were demanded by Messrs. Harris and Grubbs.

Which being ordered and taken resulted as follows:

Those who voted in the affirmative were: Senators Briscoe, Burrell, Coffey, Donham, Foster, Fowler, Hart, Hefner, Kent, Kramer, Leeper, Major, Menzies, Peterson, Reeve, Reimann, Sarnighausen, Tarlton, Traylor, Urmston, Viehe, Winterbotham, Wood, Woollen and Mr. President—26.

Those who voted in the negative were: Senators Cadwallader, Comstock, Davenport, Davis, Dice, Garrigus, Grubbs, Harris, Heilman, Kahlo, Langdon, Mercer, Moore, Olds, Poindexter, Ragan, Shaffer, Shirk, Smith, Streight, Taylor, Treat, Trusler, Weir and Wilson—25.

The previous question was seconded.

The question being, shall the main question be now put?

The ayes and noes were demanded by Messrs. Harris and Grubbs.

Which being ordered and taken, resulted as follows:

Those who voted in the affirmative were: Senators Briscoe, Burrell, Coffey, Donham, Foster, Fowler, Hart, Hefner, Kent, Kramer, Leeper, Major, Menzies, Peterson, Reeve, Reimann, Sarnighausen, Tarlton, Traylor, Urmston, Viehe, Winterbotham, Wood, Woollen and Mr. President—26.

Those who voted in the negative were: Senators Cadwallader, Comstock, Davenport, Davis, Dice, Garrigus, Grubbs, Harris, Heilman, Kahlo, Langdon, Mercer, Moore, Olds, Poindexter, Ragan, Shaffer, Shirk, Smith, Streight, Taylor, Treat, Trusler, Weir and Wilson—25.

The main question was ordered.

Senate Bill No. 54 was then read the second time, with the report of the committee; also, an amendment to the report, by Mr. Burrell.

Mr. Burrell moved that the report of the committee, as amended, be adopted, and upon that demanded the previous question.

The previous question was seconded.

The main question being ordered, the question being on the adoption of the amendment.

The ayes and noes were demanded by Messrs. Harris and Grubbs. Which being ordered and taken resulted as follows:

Those who voted in the affirmative were: Senators Benz,iscoe, Burrell, Coffey, Donham, Foster, Fowler, Hart, Hefron,nt, Kramer, Leeper, Major, Menzies, Peterson, Reeve, Reiley,rnighausen, Tarlton, Traylor, Urmstan, Viehe, Winterbotham,ood, Woollen and Mr. President—26.

Those who voted in the negative were: Senators Cadwallader,umstock, Davenport, Davis, Dice, Garrigus, Grubbs, Harris,eilman, Kahlo, Langdon, Mercer, Moore, Olds, Poindexter,agan, Shaffer, Shirk, Smith, Streight, Taylor, Treat, Trusler,eir and Wilson—25.

The amendment was adopted.

Mr. Burrell moved that the bill be ordered engrossed, and demanded the previous question.

Which was seconded by the Senate.

The question recurring on the motion to engross.

The ayes and noes were demanded by Messrs. Burrell and Benz.

Which being ordered and taken resulted as follows:

Those who voted in the affirmative were: Senators Benz,iscoe, Burrell, Coffey, Donham, Foster, Fowler, Hart, Hefron,ent, Kramer, Leeper, Major, Menzies, Peterson, Reeve, Reiley,rnighausen, Tarlton, Traylor, Urmstan, Viehe, Winterbotham,ood, Woolen and Mr. President—26.

Those who voted in the negative were: Senators Cadwallader,umstock, Davenport, Davis, Dice, Garrigus, Grubbs, Harris,eilman, Kahlo, Langdon, Mercer, Moore, Olds, Poindexter,agan, Shaffer, Shirk, Smith, Streight, Taylor, Treat, Trusler,eir and Wilson—25.

The bill was ordered engrossed.

Mr. Harris moved to take up Senate Bill No. 235, entitled "An t concerning the payment of the salaries of judges of the several prior courts of this State."

The ayes and noes were demanded by Messrs. Burrell and Foster.

Which being ordered and taken resulted as follows:

Those who voted in the affirmative were: Senators Cadwallader,umstock, Davenport, Davis, Dice, Garrigus, Grubbs, Harris,eilman, Kahlo, Langdon, Mercer, Moore, Olds, Poindexter,

Ragan, Shaffer, Shirk, Smith, Streight, Taylor, Treat, Tr
Weir and Wilson—25.

Those who voted in the negative were: Senators Benz, B
Burrell, Coffey, Donham, Foster, Fowler, Hart, Hefron,
Kramer, Leeper, Major, Menzies, Peterson, Reeve, Reiley, S
hausen, Tarlton, Urmstan, Viehe, Winterbotham, Wood, W
and Mr. President—26.

The motion was rejected.

Mr. Burrell moved to suspend the order of business, and th
Senate take up Senate Bill No. 35, entitled "An act to divid
State into congressional districts," and demanded the pre
question.

The ayes and noes were demanded by Messrs. Burrell and
Which being ordered and taken resulted as follows:

Those who voted in the affirmative were: Senators
Briscoe, Burrell, Coffey, Donham, Foster, Fowler, Hart, H
Kent, Kramer, Leeper, Major, Menzies, Peterson, Reeve, R
Sarnighausen, Tarlton, Traylor, Urmstan, Viehe, Winterbot
Wood, Woollen and Mr. President—26.

Those who voted in the negative were: Senators Cadwall
Comstock, Davenport, Davis, Dice, Garrigus, Grubbs, H
Heilman, Kahlo, Langdon, Mercer, Moore, Olds, Poinde
Ragan, Shaffer, Shirk, Smith, Streight, Taylor, Treat, Tr
Weir and Wilson—25.

The previous question was seconded.

The question being, shall the main question be now put?

Messrs. Harris and Grubbs demanded the ayes and noes.
Which being ordered and taken resulted as follows:

Those who voted in the affirmative were: Senators
Briscoe, Burrell, Coffey, Donham, Foster, Fowler, Hart, H
Kent, Kramer, Leeper, Major, Menzies, Peterson, Reeve, R
Sarnighausen, Tarlton, Traylor, Urmstan, Viehe, Winterbot
Wood, Woollen and Mr. President—26.

Those who voted in the negative were: Senators Cadwall
Comstock, Davenport, Davis, Dice, Garrigus, Grubbs, H
Heilman, Kahlo, Langdon, Mercer, Moore, Olds, Poinde
Ragan, Shaffer, Shirk, Smith, Streight, Taylor, Treat, Tr
Weir and Wilson—25.

The main question was ordered.

The question being, shall Senate Bill No. 35 be taken up?
 The yeas and nays were demanded by Messrs. Burrell and Benz..
 Which, being ordered and taken, resulted as follows:

Those who voted in the affirmative were: Senators Benz, Scoe, Burrell, Coffey, Donham, Foster, Fowler, Hart, Hefron, Kramer, Leeper, Major, Menzies, Peterson, Reeve, Reiley, Nighausen, Tarlton, Traylor, Urmstan, Viehe, Winterbotham, Wood, Woollen and Mr. President—26.

Those who voted in the negative were: Senators Cadwallader, Instock, Davenport, Davis, Dice, Garrigus, Grubbs, Harris, Gilman, Kahlo, Langdon, Mercer, Moore, Olds, Poindexter, Ryan, Shaffer, Shirk, Smith, Streight, Taylor, Treat, Trusler, and Wilson—25.

The motion was agreed to.

Senate Bill No. 35 was then taken up and read the second time, on the report of the committee recommending its passage after certain amendments by Mr. Burrell.

Mr. Burrell moved that the amendments be adopted, and demanded the previous question.

Which was seconded by the Senate.

The question being on the adoption of the amendments.

The ayes and noes were demanded by Messrs. Streight and Kahlo..
 Which, being ordered and taken, resulted as follows:

Those who voted in the affirmative were: Senators Benz, Scoe, Burrell, Coffey, Donham, Foster, Fowler, Hart, Hefron, Kramer, Leeper, Major, Menzies, Peterson, Reeve, Reiley, Nighausen, Tarlton, Traylor, Urmstan, Viehe, Winterbotham, Wood, Woollen and Mr. President—26.

Those who voted in the negative were: Senators Cadwallader, Instock, Davenport, Davis, Dice, Garrigus, Grubbs, Harris, Gilman, Kahlo, Langdon, Mercer, Moore, Olds, Poindexter, Ryan, Shaffer, Shirk, Smith, Streight, Taylor, Treat, Trusler, and Wilson—25.

The amendment was adopted.

The question being on the adoption of the report as amended.

The ayes and noes were demanded by Messrs. Burrell and Grubbs..
 Which being ordered and taken resulted as follows:

Those who voted in the affirmative were: Senators Briscoe, Burrell, Coffey, Donham, Foster, Fowler, Hart, Heilman, Kahlo, Langdon, Mercer, Moore, Olds, Poindexter, Ragan, Shaffer, Shirk, Smith, Streight, Taylor, Treat, Truitt, Weir and Wilson—26.

Those who voted in the negative were: Senators Cadwallader, Comstock, Davenport, Davis, Dice, Garrigus, Grubbs, Heilman, Kahlo, Langdon, Mercer, Moore, Olds, Poindexter, Ragan, Shaffer, Shirk, Smith, Streight, Taylor, Treat, Truitt, Weir and Wilson—25.

The report as amended was adopted.

The question being on the adoption of the bill as a whole, the question was put and the bill was adopted as amended.

The ayes and noes were demanded by Messrs. Burrell and Grubbs. Which being ordered and taken resulted as follows:

Those who voted in the affirmative were: Senators Briscoe, Burrell, Coffey, Donham, Foster, Fowler, Hart, Heilman, Kahlo, Langdon, Mercer, Moore, Olds, Poindexter, Ragan, Shaffer, Shirk, Smith, Streight, Taylor, Treat, Truitt, Weir and Wilson—26.

Those who voted in the negative were: Senators Cadwallader, Comstock, Davenport, Davis, Dice, Garrigus, Grubbs, Heilman, Kahlo, Langdon, Mercer, Moore, Olds, Poindexter, Ragan, Shaffer, Shirk, Smith, Streight, Taylor, Treat, Truitt, Weir and Wilson—25.

The bill as amended was adopted.

Mr. Burrell moved that the bill be engrossed, and demanded the previous question.

Messrs. Foster and Burrell demanded the ayes and noes, which being ordered and taken resulted as follows:

Those who voted in the affirmative were: Senators Benz, Briscoe, Burrell, Coffey, Donham, Foster, Fowler, Hart, Heilman, Kahlo, Langdon, Mercer, Moore, Olds, Poindexter, Ragan, Shaffer, Shirk, Smith, Streight, Taylor, Treat, Truitt, Weir and Wilson—26.

Those who voted in the negative were: Senators Cadwallader, Comstock, Davenport, Davis, Dice, Garrigus, Grubbs, Heilman, Kahlo, Langdon, Mercer, Moore, Olds, Poindexter, Ragan, Shaffer, Shirk, Smith, Streight, Taylor, Treat, Truitt, Weir and Wilson—25.

gan, Shaffer, Shirk, Smith, Streight, Taylor, Treat, Trusler, and Wilson—25.

The previous question was seconded.

The question being, shall the main question be now put?

The ayes and noes were demanded by Messrs. Burrell and Foster, which being ordered and taken, resulted as follows:

Those who voted in the affirmative were: Senators Benz, Briscoe, Burrell, Coffey, Donham, Foster, Fowler, Hart, Hefron, Kent, Kramer, Leeper, Major, Menzies, Peterson, Reeve, Reiley, Sarnigsen, Tarlton, Traylor, Urmstan, Viehe, Winterbotham, Wood, Hollen and Mr. President—26.

Those who voted in the negative were: Senators Cadwallader, Armstrong, Davenport, Davis, Dice, Garrigus, Grubbs, Harris, Heilman, Kahlo, Langdon, Mercer, Moore, Olds, Poindexter, Morgan, Shaffer, Shirk, Smith, Streight, Taylor, Treat, Trusler, and Wilson—25.

The main question was ordered.

The question now being, shall the bill be engrossed?

The ayes and noes were demanded by Messrs. Burrell and Grubbs, which being ordered and taken resulted as follows:

Those who voted in the affirmative were: Senators Benz, Briscoe, Burrell, Coffey, Donham, Foster, Fowler, Hart, Hefron, Kent, Kramer, Leeper, Major, Menzies, Peterson, Reeve, Reiley, Sarnigsen, Tarlton, Traylor, Urmstan, Viehe, Winterbotham, Wood, Hollen and Mr. President—26.

Those who voted in the negative were: Senators Cadwallader, Armstrong, Davenport, Davis, Dice, Garrigus, Grubbs, Harris, Heilman, Kahlo, Langdon, Mercer, Moore, Olds, Poindexter, Morgan, Shaffer, Shirk, Smith, Streight, Taylor, Treat, Trusler, and Wilson—25.

The bill was ordered engrossed.

On motion of Mr. Heilman, Senate Bill No. 347, relating to the change of the name of the city of Evansville to Lamasco, was taken up.

The bill was read the second time, with the report of the committee, recommending its passage.

Which was concurred in.

Mr. Heilman moved that the constitutional rule be suspended so that the bill read the third time now, considered engrossed, and put on its passage.

The question being on the motion to suspend the rules.

The ayes and noes were ordered and taken, resulting as follows:

Those who voted in the affirmative were: Senators Benz, Burr, Cadwallader, Coffey, Comstock, Davenport, Davis, Dice, Donham, Fowler, Garrigus, Grubbs, Harris, Hart, Hefron, Heilman, Kahler, Kent, Kramer, Langdon, Leeper, Major, Menzies, Mercer, Moore, Olds, Peterson, Poindexter, Ragan, Reeve, Reiley, Sarnighausen, Shaffer, Shirk, Smith, Streight, Traylor, Treat, Trusler, Urms, Weir, Wilson, Winterbotham, Wood and Woollen—45.

No one voting in the negative.

The rule was suspended.

Senate Bill No. 347 was read the third time.

The question being, shall the bill pass?

The ayes and noes were ordered and taken, resulting as follows:

Those who voted in the affirmative were: Senators Benz, Burr, Cadwallader, Comstock, Davenport, Davis, Dice, Donham, Foster, Fowler, Garrigus, Grubbs, Harris, Hart, Hefron, Heilman, Kahler, Kent, Kramer, Langdon, Leeper, Major, Menzies, Mercer, Moore, Olds, Peterson, Poindexter, Ragan, Reeve, Reiley, Sarnighausen, Shaffer, Shirk, Smith, Streight, Tarlton, Taylor, Traylor, Treat, Trusler, Weir, Wilson, Winterbotham, Wood and Woollen—46.

No one voting in the negative.

The bill passed.

The title was then read and ordered by the Senate to stand as amended and proved.

On motion of Mr. Grubbs House Bill No. 187, entitled "An act defining the meaning of the first proviso of section 2 of an act entitled an act to provide for the relocation of county seats, and for the erection of public buildings in counties in case of such relocation approved March 2, 1855," was taken up and read the third time.

The question being, shall the bill pass?

The ayes and noes were ordered, and taken, resulting as follows:

Those who voted in the affirmative were: Senators Benz, Briscoe, Burrell, Cadwallader, Coffey, Comstock, Davis, Dice, Donham,

oster, Garrigus, Grubbs, Harris, Hart, Hefron, Heilman, Kahlo, ent, Kramer, Langdon, Leeper, Major, Mercer, Moore, Peterson, agan, Reeve, Reiley, Sarnighausen, Shaffer, Shirk, Smith, Streight, arlton, Taylor, Traylor, Treat, Trusler, Urmstan, Viehe, Wintertham, Wood and Woollen—43.

Those who voted in the negative were: Senators Fowler, Poinxter and Wilson—3.

The bill passed.

The title of the bill was then read and ordered by the Senate to and approved.

The following message was received from the House by the Clerk ereof:

R. PRESIDENT:

I am directed by the Speaker of the House of Representatives to form the Senate that the House has passed Engrossed House Bill No. 295, entitled "An act providing for a Metropolitan Police in all cities of forty-five thousand or more inhabitants, and for the appointment of a board of Metropolitan Police Commissioners for such cities and defining their duties and prescribing their powers, providing for the appointment of officers, patrolmen and other members of the metropolitan police force of such cities by such board, and the manner of paying them for their services, and providing for the abolition of existing boards of police and police forces in such cities, and for the abolition of the office of city marshal in such cities."

And the same is herewith transmitted to the Senate for its action ereon.

Mr. Viehe moved that House Bill No. 135, entitled "An act to legalize the acts of the board of trustees of the town of Shelburn, Sullivan county," be taken up.

Which was agreed to.

House Bill No. 135 was then read the second time, with the report of the committee recommending its passage.

Which was concurred in.

Mr. Viehe moved that the constitutional rules be suspended, the bill read the third time now, and put upon its passage.

The question being on the motion to suspend the rules.

The ayes and noes were ordered and taken, resulting as follows:

Senate Jour—28

Those who voted in the affirmative were: Senators Benz, Burrell, Cadwallader, Coffey, Comstock, Davenport, Dice, Donb Foster, Fowler, Garrigus, Grubbs, Harris, Hart, Hefron, Heilm Kahlo, Kent, Kramer, Leeper, Major, Mercer, Moore, Olds, Peterson, Reiley, Sarnighausen, Shaffer, Shirk, Smith, Streight, Taylor, Traylor, Treat, Trusler, Urmstan, Viehe, Weir, Wilson, Winterbotham, Wood and Woollen—43.

Those who voted in the negative were: Senators Lang Ragan and Reeve—3.

The rule was suspended.

The question being, shall the bill pass?

The ayes and noes were ordered and taken resulting as follows.

Those who voted in the affirmative were: Senators Benz, Burrell, Cadwallader, Comstock, Davenport, Davis, Dice, Donb Foster, Fowler, Garrigus, Grubbs, Harris, Hart, Hefron, Heilm Kahlo, Kent, Kramer, Langdon, Leeper, Major, Mercer, Moore, O Peterson, Poindexter, Reiley, Sarnighausen, Shaffer, Shirk, Sm Streight, Tarlton, Taylor, Traylor, Treat, Trusler, Urmstan, Vie Weir, Wilson, Winterbotham, Wood and Woollen—46.

Those who voted in the negative were: Senators Ragan and Reeve—2.

The bill passed.

The title was then read and ordered by the Senate to stand approved.

Mr. Traylor moved to take up Senate Bill No. 176, entitled "An act to legalize the acts of the board of trustees of the town of Jasper, Dubois county, Indiana.

Which was agreed to.

The bill was read the second time, with the report of the committee recommending its passage.

Which was concurred in and the bill ordered engrossed.

On motion of Mr. Sarnighausen, Senate Bill No. 300, in relation to the incorporation of cities, with the report of the committee, was recommitted to the committee on corporations.

The chair laid before the Senate a communication from the Auditor of State relating to the claims of judges for special services.

Which was referred to the committee on finance.

Mr. Wood moved that Senate Bill No. 94, entitled "An act limiting the height of hedge fences along highways," etc., be taken up. Which was agreed to.

Senate Bill No. 94 was then read the second time, with the report of the committee recommending its passage.

Which was concurred in and the bill ordered engrossed.

Mr. Langdon moved to take up his resolution on congressional apportionment.

Mr. Burrell demanded a call of the Senate.

Which was ordered and taken, the following Senators answering to their names:

Senators Benz, Burrell, Cadwallader, Coffey, Comstock, Davenport, Davis, Dice, Donham, Fowler, Garrigus, Grubbs, Harris, Hart, Hebron, Heilman, Kahlo, Kent, Kramer, Langdon, Leeper, Major, Mercer, Moore, Olds, Peterson, Poindexter, Ragan, Reeve, Reiley, Sarnighausen, Shaffer, Shirk, Smith, Streight, Tarlton, Taylor, Traylor, Treat, Trusler, Urmstan, Viehe, Weir, Wilson, Winterbotham, Wood and Woollen—47.

Mr. Langdon moved that further proceedings under the call be dispensed with.

Mr. Woollen moved to adjourn.

The ayes and noes were demanded by Messrs. Harris, Dice, Trusler, Langdon and Grubbs.

Which being ordered and taken, resulted as follows:

Those who voted in the affirmative were: Senators Benz, Burrell, Coffey, Davis, Donham, Foster, Fowler, Hart, Hebron, Kent, Kramer, Leeper, Major, Peterson, Reeve, Reiley, Sarnighausen, Tarlton, Traylor, Urmstan, Viehe, Wood and Woollen—23.

Those who voted in the negative were: Senators Cadwallader, Comstock, Davenport, Dice, Garrigus, Grubbs, Harris, Heilman, Kahlo, Langdon, Mercer, Moore, Olds, Poindexter, Ragan, Shaffer, Shirk, Smith, Streight, Taylor, Treat, Trusler, Weir, Wilson and Winterbotham—25.

The motion to adjourn was agreed to.

The Senate adjourned.

(Approved)

ISAAC P. GRAY,
President of the Senate.

TUESDAY MORNING.

FEBRUARY 25, 187

Senate met at 9 o'clock A. M. Lieutenant-Governor Gra
the chair.

The session was opened with prayer by Rev. E. A. Bradley.

The Journal of yesterday was being read, when, on motion of Traylor, the further reading of the same was dispensed with.

Mr. Langdon moved that the vote of Mr. Davenport on the jourment last night be changed from the affirmative to the negative.

The question being on the motion to change the vote.

The ayes and noes were demanded by Messrs. Harris and Bur

Which, being ordered and taken, resulted as follows:

Those who voted in the affirmative were: Senators Cadwalla Comstock, Davenport, Davis, Dice, Donham, Fowler, Garri Grubbs, Harris, Hefron, Heilman, Kahlo, Kramer, Langdon, Lee Major, Menzies, Mercer, Moore, Peterson, Poindexter, Ra Reeve, Shaffer, Shirk, Smith, Streight, Taylor, Traylor, Tr Trusler, Weir, Wilson and Wood—35.

Those who voted in the negative were: Senators Benz, Bris Burrell, Foster, Hart, Kent, Reiley, Tarlton, Winterbotham Woollen—10.

The motion was agreed to.

Mr. Reeve moved that Senate Bills Nos. 390, 67 and 49, act relation to the running at large of live stock, etc., with the substitute, be taken up.

Which was agreed to.

Senate Bill No. 390 was taken up and read the second time, with the report of the committee recommending that Senate bills Nos. 67 and 49, be indefinitely postponed; and that Senate bill No. 390 be amended by striking out all after the enacting clause and recommending that a substitute do pass.

Mr. Hefron moved that the bill, together with the report and substitute, lie on the table.

The question being on the motion to lie on the table.

The ayes and noes were demanded by Messrs. Foster and Streight.

Which being ordered and taken resulted as follows:

Those who voted in the affirmative were: Senators Benz, Briscoe, Comstock, Dice, Foster, Fowler, Hebron, Kramer, Leeper, Major, Reiley, Smith, Taylor, Traylor, Treat, Urmstan, Wood, Wollen and Winterbotham—19.

Those who voted in the negative were: Senators Burrell, Cadwallader, Davenport, Davis, Donham, Garrigus, Grubbs, Hart, Heilman, Kahlo, Kent, Langdon, Menzies, Mercer, Moore, Olds, Peterson, Poindexter, Ragan, Reeve, Sarnighausen, Shaffer, Shirk, Streight, Tarlton, Trusler, Viehe, Weir and Wilson—29.

The motion to lie on the table was rejected.

Mr. Menzies offered the following amendment to the report of the committee:

To amend to substitute by inserting as section 4:

Section 4. Nothing herein contained shall be so construed so as to relieve any railroad or railway company, trustees, lessees or receivers in this State from damage to stock arising from the failure or neglect of such railroad or railway company to properly fence its stock as prescribed by any statute of this State.

Which was adopted.

The report of the committee as amended was then adopted.

The question then being on the adoption of the bill as amended.

The ayes and noes were demanded by Messrs. Wood and Dice.

Which being ordered and taken, resulted as follows:

Those who voted in the affirmative were: Senators Cadwallader, Davenport, Davis, Garrigus, Grubbs, Hart, Heilman, Kahlo, Kramer, Langdon, Menzies, Olds, Peterson, Poindexter, Ragan, Reeve, Sarnighausen, Shaffer, Shirk, Streight, Tarlton, Trusler, Weir and Wilson—24.

Those who voted in the negative were: Senators Benz, Briscoe, Burrell, Coffey, Dice, Donham, Foster, Fowler, Hebron, Leeper, Major, Mercer, Reiley, Smith, Taylor, Traylor, Treat, Urmstan, Viehe, Wood and Winterbotham—21.

The bill as amended was adopted and ordered engrossed.

Mr. Comstock moved that Senate Bill No. 194, "An act defining

who shall be competent witnesses in any court or judicial proceedings," etc., be taken up and read the third time.

Which was agreed to.

Senate Bill No. 194 was read the third time.

The question being, shall the bill pass?

The ayes and noes were ordered and being taken results follows:

Those who voted in the affirmative were: Senators Briscoe, Wallader, Comstock, Davenport, Davis, Dice, Foster, Garrison, Grubbs, Harris, Heilman, Kahlo, Kent, Kramer, Langdon, Le Menzies, Moore, Olds, Poindexter, Ragan, Reeve, Sarnighan, Shaffer, Shirk, Smith, Streight, Taylor, Traylor, Trusler, V Weir, Wood, Wilson and Winterbotham—35.

Those who voted in the negative were: Senators Benz, Bur Coffey, Donham, Fowler, Hart, Hefron, Major, Mercer, Peter Reiley, Tarlton, Treat, Urmstan and Woollen—14.

The bill passed.

The title of the bill was then read and ordered by the Senate stand approved.

Mr. Benz, from the committee on mines, reported engrossed House Bill No. 7, entitled "An act regulating the working of mines, and declaring a lien upon the works and machinery for work and labor in mining coal, and for the royalty on coal," etc., with the report of the committee, recommending its passage.

Which was placed on file without reading.

Mr. Ragan, from the special committee, reported Senate Bill 274, entitled "An act to relieve Thomas N. Jones, of Henderson county, from a judgment on the official bond of Lawrence Shuler," etc.

The report of the committee, recommending its passage, was read and concurred in.

The bill was then read the second time.

Mr. Viehe demanded the previous question.

Which was seconded by the Senate.

The main question was ordered.

The question being, shall the bill be engrossed?

The ayes and noes were demanded by Messrs. Burrell and Menzies.

Which being ordered and taken, resulted as follows:

Those who voted in the affirmative were: Senators Benz, Cadwallader, Davis, Dice, Garrigus, Grubbs, Heilman, Kahlo, Moore, Peterson, Poindexter, Ragan, Shirk, Smith, Streight, Treat, Trusler, Weir and Winterbotham—19.

Those who voted in the negative were: Senators Briscoe, Burrell, Coffey, Comstock, Davenport, Donham, Foster, Fowler, Harris, Hart, Hefron, Kent, Langdon, Major, Menzies, Mercer, Olds, Reeve, Reiley, Sarnighausen, Shaffer, Tarlton, Taylor, Traylor, Urmstan, Viehe, Wilson, Wood and Woollen—29.

The motion to engross was rejected.

Mr. Viehe, from the committee on the judiciary, reported Senate Bill No. 422, entitled "An act to amend section 18 of an act regulating descents and the apportionment of estates," etc., with the report of the committee, recommending its indefinite postponement.

Which was placed on file without reading.

Mr. Coffey, from the committee on the organization of courts, reported House Bill No. 56, entitled "An act defining the twelfth and tenth judicial circuits of the State of Indiana," etc., with the report of the committee recommending its passage.

Which was placed on file without reading.

Mr. Viehe, from the committee on the organization of courts, reported Senate Bill No. 270, entitled "An act to repeal an act to amend the first and thirteenth sections of an act entitled an act to establish superior courts," etc., with the report of the committee suggesting certain amendments, and when so amended recommending its passage.

Which was placed on file without reading.

Mr. Viehe, from the committee on the organization of courts, reported Senate Bill No. 397, entitled "An act amending section 11 of an act entitled an act defining vagrancy," etc., with the report of the committee recommending that it lie on the table.

Which was placed on file without reading.

Mr. Sarnighausen, from the committee on education, reported House Bill No. 122, entitled "An act supplemental to an act entitled an act to authorize cities and towns to negotiate and sell bonds

to procure means with which to erect and complete unfinished school buildings," etc., with the report of the committee recommending its passage.

Which was placed on file without reading.

Mr. Sarnighausen, from the committee on education, reported House Bill No. 228, entitled "An act to enable the Superintendent of Public Instruction and the auditor of Adams county to reconcile the accounts between Adams county and the State," etc., with the report of the committee recommending its passage.

Which was placed on file without reading.

Mr. Fowler, from the committee on benevolent institutions, reported Senate Bill No. 385, entitled "An act to establish a board of state charities and defining its duties," etc., with the report of the committee recommending its passage.

Which was placed on file without reading.

Mr. Fowler, from the committee on benevolent institutions, reported Senate Bill No. 386, entitled "An act to provide for the support and custody of the orphan and abandoned children, and matters connected therewith," with the report of the committee recommending its passage.

Which was placed on file without reading.

Mr. Fowler, from the committee on benevolent institutions, reported Senate Bill No. 400, entitled "An act regulating the purchase of articles for the penal, benevolent and reformatory institutions," etc., with the report of the committee recommending its passage.

Which was placed on file without reading.

Mr. Tarlton, from the committee on agriculture, reported House Bill No. 493, entitled "An act to prevent breeding of animals from running at large," etc., with the report of the committee recommending that it lie on the table.

Which was placed on file without reading.

Mr. Wood, from the committee on corporations, reported House Bill No. 55, entitled "An act to legalize certain acts of the board of commissioners of Clinton county, in the purchase of certain groves at sheriff's sale," etc., with the report of the committee recommending that the bill pass.

Which was placed on file without reading.

Mr. Wood, from the committee on corporations, reported H

1 No. 12, entitled "An act to legalize the incorporation of the
y of Seymour, Jackson county, Indiana, and all the acts done by
common council and officers of said city," etc., with the report
the committee recommending the passage of the bill.

Which was placed on file without reading.

Mr. Foster, from the committee on public printing, reported
ouse Bill No. 410, entitled "An act delaring that county printing
all be done in two newspapers of opposite political," etc., with the
port of the committee recommending that the bill be indefinitely
stponed.

Which was placed on file without reading.

Mr. Tarlton, from the committee on agriculture, reported House
ll No. 419, entitled "An act to discourage the keeping of worth-
ss and sheep-killing dogs," etc., with the report of the committee
commending its passage.

Which was placed on file without reading.

Mr. Traylor, from the committee on military affairs, reported
enate Bill No. 384, entitled "An act creating a board for the set-
ement of debts and claims due the State from counties for arms,
unitions of war and ordnance stores," etc., with the report of the
mmittee suggesting amendments by striking out all after the en-
ting clause, and recommending the passage of substitute.

Which was placed on file without reading.

Mr. Garrigus, from the committee on canals, internal improve-
ents and swamp lands, reported back the claim of Patrick Kirk-
nd, for \$156, with the report of the committee recommending that
be referred to the committee on claims and expenditures.

Which was placed on file without reading.

Mr. Trusler, from the committee on corporations, reported Sen-
te Bill No. 414, entitled "An act to amend sections 2, 3, 5, 6, 10,
1, 13, 15, 16, 17 and 22 of an act entitled an act to enable the
wners of wet lands to drain and reclaim them," etc., with the re-
ort of the committee recommending its passage.

Which was placed on file without reading.

Mr. Kent, from the committee on corporations, reported Senate
Bill No. 358, entitled an act authorizing incorporated cities of six
housand inhabitants, or less, and owing thirty thousand dollars, or
more, to have a city comptroller appointed," etc., with the report
of the committee recommending its passage.

Which was placed on file without reading.

Mr. Kent, from the committee on corporations, reported Senate Bill No. 300, entitled "An act to amend sections 26 and 61 of an act entitled an act to repeal all general laws now in force for the incorporation of cities," etc., with the report of the committee recommending its passage.

Which was placed on file without reading.

Mr. Kent, from the committee on corporations, reported engrossed House Bill No. 303, entitled "An act to legalize the acts and proceedings of the board of trustees and other officers of the town of Tell City, Perry county, Indiana," with the report of the committee recommending its passage.

Which was placed on file without reading.

Mr. Langdon moved to take up Senate Bill No. 207, entitled "An act providing for, determining, allowing and paying claims against the State," etc.

Which was agreed to.

Senate Bill No. 207 was taken up and read the third time.

The question being, shall the bill pass?

The ayes and noes was ordered and taken, resulting as follows:

Those who voted in the affirmative were: Senators Benz, Cullum, Wallader, Coffey, Comstock, Davenport, Davis, Dice, Fowler, Grubbs, Harris, Hefron, Heilman, Kahlo, Kent, Langdon, Leeper, Majors, Menzies, Mercer, Moore, Olds, Peterson, Poindexter, Ragan, Reed, Sarnighausen, Shaffer, Shirk, Smith, Streight, Tarlton, Traylor, Treat, Trusler, Urmstan, Viehe, Weir, Wilson, Winterbotham, Wood and Woollen—41.

Those who voted in the negative were: Senators Briscoe, Brumwell, Donham, Foster, Garrigus, Hart, Kramer, Reiley and Taylor—9.

The bill passed.

The Senate adjourned.

AFTERNOON SESSION.

FEBRUARY 25, 1879

The Senate reassembled at 2 o'clock P. M. Lieutenant-Governor Gray in the chair.

Mr. Fowler moved to take up Engrossed House Bill No. 7, "An act regulating the working of coal mines and declaring a lien upon the works and machinery for work and labor in mining coal, and the royalty on coal," etc.

The motion was agreed to.

Engrossed House Bill No. 7 was taken up and read the second time, with the report of the committee recommending its passage.

Mr. Fowler moved that the report of the committee be concurred in.

Mr. Streight moved to amend the motion by ordering one hundred copies of the bill printed.

Which was agreed to.

The report of the committee as amended was then adopted.

Mr. Streight moved that the bill be recommitted to the committee on mines and mining.

Mr. Fowler moved that the bill be made the special order for Thursday at 9 o'clock A. M.

Mr. Streight moved to lay the motion of Mr. Fowler on the table.

The question being on the motion to lie on the table.

The ayes and noes were demanded by Messrs. Foster and Burrell.

Which being ordered and taken, resulted as follows:

Those who voted in the affirmative were: Senators Kent, Reeve, Streight and Taylor—4.

Those who voted in the negative were: Senators Benz, Briscoe, Burrell, Cadwallader, Comstock, Davis, Dice, Donham, Foster, Fowler, Garrigus, Grubbs, Harris, Hart, Hefron, Heilman, Kahlo, Kramer, Leeper, Major, Menzies, Mercer, Moore, Olds, Peterson, Poindexter, Ragan, Reiley, Sarnighausen, Shaffer, Shirk, Smith, Tarlton, Traylor, Treat, Trusler, Urmston, Viehe, Weir, Wilson, Winterbotham, Wood and Woollen—43.

The motion to lie on the table was rejected.

The question recurring on the motion to recommit.

It was agreed to.

Mr. Hefron moved to take up Senate Bill No. 297, entitled "An act to abolish the office of State Geologist, providing for the transfer of all apparatus, specimens and property to the State Board of Agriculture," etc.

Which was agreed to.

Senate Bill No. 297 was taken up and read the second time with the report of the committee recommending its passage.

The report of the committee was concurred in.

Mr. Langdon offered the following amendment to section 1:

Amend section 1, lines 9 and 10, by striking out the words "State Board of Agriculture," and insert "Purdue University."

Mr. Harris offered the following substitute for the amendment:

I move to strike out the words "State Board of Agriculture" and insert the words "State Library."

Mr. Foster offered the following amendment to the substitute:

Amend the substitute offered by the Senator from Marion (Mr. Harris), by striking out "State Library," and insert in lieu thereof "State University" at Bloomington.

The question being on the adoption of the amendment.

The ayes and noes were demanded by Messrs. Langdon and Dice.

Which being ordered and taken resulted as follows:

Those who voted in the affirmative were: Senators Burrell, Coffey, Comstock, Fowler, Hart, Kramer, Menzies, Reiley, Taylor, Treat and Viehe—11.

Those who voted in the negative were: Senators Benz, Cadwalader, Davis, Dice, Donham, Foster, Garrigus, Grubbs, Harris, Hefron, Heilman, Kahlo, Kent, Langdon, Leeper, Major, Mercer, Moore, Olds, Peterson, Poindexter, Ragan, Reeve, Sarnighausen, Shaffer, Shirk, Smith, Streight, Tarlton, Taylor, Trusler, Urnstan, Weir, Wilson, Winterbotham, Wood and Woollen—37.

The amendment was rejected.

A committee from the House appeared at the door of the Senate and announced that the House of Representatives was in waiting to receive the Senate in joint meeting to hear an address by Mrs. Governor Wallace.

The chair informed the committee that no action had been taken on the subject by the Senate.

The question being on the adoption of the substitute for the amendment of Mr. Langdon.

It was agreed to.

The amendment, as amended, was then adopted.

The question being on the engrossment of the bill.

Mr. Reeve moved to lay the bill on the table.

The question being on the motion to lie on the table.

The ayes and noes were demanded by Messrs. Hefron and Foster. Which, being ordered and taken, resulted as follows:

Those who voted in the affirmative were: Senators Cadwallader, Davis, Donham, Garrigus, Grubbs, Heilman, Langdon, Mercer, Poindexter, Ragan, Reeve, Shaffer, Streight, Tarlton and Taylor—

Those who voted in the negative were: Senators Benz, Briscoe, Burrell, Coffey, Comstock, Dice, Foster, Fowler, Harris, Hart, Hefron, Kahlo, Kent, Kramer, Leeper, Major, Menzies, Moore, Olds, Peterson, Reiley, Sarnighausen, Shirk, Smith, Traylor, Treat, Trusler, Urmstan, Viehe, Weir, Wilson, Winterbotham, Wood and Woollen—34.

The motion to lie on the table was rejected, and the bill was ordered engrossed.

Mr. Burrell moved that Senate Resolution No. 27, in relation to districting the State for congressional purposes, be taken up, and that motion demanded the previous question.

Which was seconded by consent.

The question being on the motion to take up the resolution.

The ayes and noes were demanded by Messrs. Burrell and Benz. Which being ordered and taken, resulted as follows:

Those who voted in the affirmative were: Senators Benz, Briscoe, Burrell, Coffey, Dice, Donham, Foster, Garrigus, Grubbs, Harris, Hart, Hefron, Kahlo, Kent, Kramer, Langdon, Leeper, Major, Menzies, Moore, Peterson, Poindexter, Ragan, Reiley, Sarnighausen, Shaffer, Shirk, Smith, Streight, Tarlton, Taylor, Traylor, Trusler, Urmstan, Viehe, Weir, Wilson, Winterbotham, Wood and Woollen.

Those who voted in the negative were: Senators Cadwallader, Comstock, Davis, Heilman, Mercer, Olds and Treat—7.

The motion was agreed to.

Mr. Burrell moved that the resolution be indefinitely postponed, and on that motion demanded the previous question.

The question being on the motion to indefinitely postpone.

The ayes and noes were demanded by Messrs. Langdon and Burrell.

Which being ordered and taken, resulted as follows:

Those who voted in the affirmative were: Senators Benz, Coe, Burrell, Coffey, Donham, Foster, Hart, Heffron, Kent, Kleeper, Major, Menzies, Peterson, Reeve, Reiley, Sarnighausen, Tarlton, Traylor, Urnstan, Viehe, Wood, Woollen, Winterbottom and Mr. President—25.

Those who voted in the negative were: Senators Cadwalader, Comstock, Davis, Dice, Garrigus, Grubbs, Harris, Heilman, Hefron, Langdon, Mercer, Moore, Olds, Poindexter, Ragan, Shaffer, Smith, Streight, Taylor, Treat, Trusler, Weir and Wilson—25.

The motion to indefinitely postpone was agreed to.

Mr. Foster moved to take up Engrossed House Bill No. 277, entitled "An act to amend an act entitled an act to declare agreements to pay attorneys' fees contained in any note, draft, or other instrument illegal and void."

Which was rejected.

Mr. Shaffer moved that Senate Bill No. 278, entitled "An act providing who may practice medicine and surgery, and matters connected therewith," etc., be taken up.

On motion of Mr. Dice Senate Bills Nos. 278 and 84 were taken on the special order for Friday at 2 o'clock P. M.

On motion of Mr. Streight Senate Bill No. 270, entitled "An act to repeal an act to amend sections 1 and 13 of an act entitled an act to establish superior courts," etc., was taken up and read the second time with the report of the committee recommending its passage.

Which was concurred in.

Mr. Streight moved that the constitutional rule be suspended, the bill considered engrossed, read a third time now, and put upon its passage.

The question being on the suspension of the rules.

The ayes and noes were ordered and taken resulting as follows:

Those who voted in the affirmative were: Senators Benz, Cadwalader, Coffey, Comstock, Donham, Foster, Fowler, Grubbs, Heilman, Heffron, Kahlo, Kramer, Kleeper, Major, Menzies, Mercer, Peterson, Poindexter, Ragan, Reeve, Reiley, Sarnighausen, Shaffer, Shirk, Smith, Streight, Tarlton, Taylor, Traylor, Treat, Trusler,

Urmstan, Viehe, Weir, Wilson, Winterbotham, Wood and Woollen
39.

Senator Olds voting in the negative.

The constitutional rule was suspended.

Senate Bill No. 270, was read the third time.

The question being, shall the bill pass?

The ayes and noes were ordered and taken resulting as follows:

Those who voted in the affirmative were: Senators Benz, Briscoe, Currell, Cadwallader, Coffey, Comstock, Dice, Donham, Foster, Fowler, Grubbs, Hart, Hefron, Heilman, Kahlo, Kramer, Leeper, Major, Menzies, Mercer, Olds, Peterson, Poindexter, Ragan, Reeve, Seilley, Shaffer, Shirk, Smith, Streight, Tarlton, Taylor, Traylor, Treat, Trusler, Urmstan, Viehe, Weir, Wilson, Winterbotham, Wood and Woollen—42.

Senator Harris voting in the negative.

The bill passed.

The title of the bill was read, and ordered by the Senate to stand approved.

Leave of absence was asked and obtained for Mr. Wilson for the balance of the day.

Mr. Weir, from the special committee, reported Senate Bill No. 44, entitled "An act to repeal all laws or parts of laws now in force providing for the levy of cash or money poll tax," etc., with the report of the committee suggesting amendments, and when so amended recommending its passage.

Which was placed on file without reading.

Mr. Foster moved to reconsider the vote by which the Senate refused to take up Engrossed House Bill No. 58.

The Senate adjourned.

(Approved.)

ISAAC P. GRAY,
President of the Senate.

who shall be competent witnesses in any court or judicial proceedings," etc., be taken up and read the third time.

Which was agreed to.

Senate Bill No. 194 was read the third time.

The question being, shall the bill pass?

The ayes and noes were ordered and being taken resulted follows:

Those who voted in the affirmative were: Senators Briscoe, Callwallader, Comstock, Davenport, Davis, Dice, Foster, Garrigue, Grubbs, Harris, Heilman, Kahlo, Kent, Kramer, Langdon, Leeper, Menzies, Moore, Olds, Poindexter, Ragan, Reeve, Sarnighausen, Shaffer, Shirk, Smith, Streight, Taylor, Traylor, Trusler, Viehe, Weir, Wood, Wilson and Winterbotham—35.

Those who voted in the negative were: Senators Benz, Burrell, Coffey, Donham, Fowler, Hart, Hefron, Major, Mercer, Peterson, Reiley, Tarlton, Treat, Urmstan and Woollen—14.

The bill passed.

The title of the bill was then read and ordered by the Senate to stand approved.

Mr. Benz, from the committee on mines, reported engrossed House Bill No. 7, entitled "An act regulating the working of coal mines, and declaring a lien upon the works and machinery for work and labor in mining coal, and for the royalty on coal," etc., with the report of the committee, recommending its passage.

Which was placed on file without reading.

Mr. Ragan, from the special committee, reported Senate Bill No. 274, entitled "An act to relieve Thomas N. Jones, of Hendricks county, from a judgment on the official bond of Lawrence S. Shuler," etc.

The report of the committee, recommending its passage, was read and concurred in.

The bill was then read the second time.

Mr. Viehe demanded the previous question.

Which was seconded by the Senate.

The main question was ordered.

The question being, shall the bill be engrossed?

The ayes and noes were demanded by Messrs. Burrell and Menzies.

Which being ordered and taken, resulted as follows:

Those who voted in the affirmative were: Senators Benz, Cadwallader, Davis, Dice, Garrigus, Grubbs, Heilman, Kahlo, Moore, Peterson, Poindexter, Ragan, Shirk, Smith, Streight, Treat, Trusler, Veir and Winterbotham—19.

Those who voted in the negative were: Senators Briscoe, Burrell, Coffey, Comstock, Davenport, Donham, Foster, Fowler, Har- s, Hart, Hefron, Kent, Langdon, Major, Menzies, Mercer, Olds, Reeve, Reiley, Sarnighausen, Shaffer, Tarlton, Taylor, Traylor, Urnstan, Viehe, Wilson, Wood and Woollen—29.

The motion to engross was rejected.

Mr. Viehe, from the committee on the judiciary, reported Senate Bill No. 422, entitled "An act to amend section 18 of an act regulating descents and the apportionment of estates," etc., with the report of the committee, recommending its indefinite postponement.

Which was placed on file without reading.

Mr. Coffey, from the committee on the organization of courts, reported House Bill No. 56, entitled "An act defining the twelfth and tenth judicial circuits of the State of Indiana," etc., with the report of the committee recommending its passage.

Which was placed on file without reading.

Mr. Viehe, from the committee on the organization of courts, reported Senate Bill No. 270, entitled "An act to repeal an act to amend the first and thirteenth sections of an act entitled an act to establish superior courts," etc., with the report of the committee suggesting certain amendments, and when so amended recommending its passage.

Which was placed on file without reading.

Mr. Viehe, from the committee on the organization of courts, reported Senate Bill No. 397, entitled "An act amending section 11 of an act entitled an act defining vagrancy," etc., with the report of the committee recommending that it lie on the table.

Which was placed on file without reading.

Mr. Sarnighausen, from the committee on education, reported House Bill No. 122, entitled "An act supplemental to an act entitled an act to authorize cities and towns to negotiate and sell bonds

to procure means with which to erect and complete unfinished school buildings," etc., with the report of the committee recommending its passage.

Which was placed on file without reading.

Mr. Sarnighausen, from the committee on education, reported House Bill No. 228, entitled "An act to enable the Superintendent of Public Instruction and the auditor of Adams county to reconcile the accounts between Adams county and the State," etc., with the report of the committee recommending its passage.

Which was placed on file without reading.

Mr. Fowler, from the committee on benevolent institutions, reported Senate Bill No. 385, entitled "An act to establish a board of state charities and defining its duties," etc., with the report of the committee recommending its passage.

Which was placed on file without reading.

Mr. Fowler, from the committee on benevolent institutions, reported Senate Bill No. 386, entitled "An act to provide for the care and custody of the orphan and abandoned children, and matters connected therewith," with the report of the committee recommending its passage.

Which was placed on file without reading.

Mr. Fowler, from the committee on benevolent institutions, reported Senate Bill No. 400, entitled "An act regulating the purchase of articles for the penal, benevolent and reformatory institutions," etc., with the report of the committee recommending its passage.

Which was placed on file without reading.

Mr. Tarlton, from the committee on agriculture, reported Engrossed House Bill No. 493, entitled "An act to prevent breechy animals from running at large," etc., with the report of the committee recommending that it lie on the table.

Which was placed on file without reading.

Mr. Wood, from the committee on corporations, reported House Bill No. 55, entitled "An act to legalize certain acts of the board of commissioners of Clinton county, in the purchase of certain ground at sheriff's sale," etc., with the report of the committee recommending that the bill pass.

Which was placed on file without reading.

Mr. Wood, from the committee on corporations, reported House

Bill No. 12, entitled "An act to legalize the incorporation of the city of Seymour, Jackson county, Indiana, and all the acts done by the common council and officers of said city," etc., with the report of the committee recommending the passage of the bill.

Which was placed on file without reading.

Mr. Foster, from the committee on public printing, reported House Bill No. 410, entitled "An act delaring that county printing shall be done in two newspapers of opposite political," etc., with the report of the committee recommending that the bill be indefinitely postponed.

Which was placed on file without reading.

Mr. Tarlton, from the committee on agriculture, reported House Bill No. 419, entitled "An act to discourage the keeping of worthlessness and sheep-killing dogs," etc., with the report of the committee recommending its passage.

Which was placed on file without reading.

Mr. Traylor, from the committee on military affairs, reported Senate Bill No. 384, entitled "An act creating a board for the settlement of debts and claims due the State from counties for arms, munitions of war and ordnance stores," etc., with the report of the committee suggesting amendments by striking out all after the enacting clause, and recommending the passage of substitute.

Which was placed on file without reading.

Mr. Garrigus, from the committee on canals, internal improvements and swamp lands, reported back the claim of Patrick Kirkland, for \$156, with the report of the committee recommending that it be referred to the committee on claims and expenditures.

Which was placed on file without reading.

Mr. Trusler, from the committee on corporations, reported Senate Bill No. 414, entitled "An act to amend sections 2, 3, 5, 6, 10, 11, 13, 15, 16, 17 and 22 of an act entitled an act to enable the owners of wet lands to drain and reclaim them," etc., with the report of the committee recommending its passage.

Which was placed on file without reading.

Mr. Kent, from the committee on corporations, reported Senate Bill No. 358, entitled an act authorizing incorporated cities of six thousand inhabitants, or less, and owing thirty thousand dollars, or more, to have a city comptroller appointed," etc., with the report of the committee recommending its passage.

Which was placed on file without reading.

Mr. Kent, from the committee on corporations, reported Senate Bill No. 300, entitled "An act to amend sections 26 and 61 of an act entitled an act to repeal all general laws now in force for the incorporation of cities," etc., with the report of the committee recommending its passage.

Which was placed on file without reading.

Mr. Kent, from the committee on corporations, reported engrossed House Bill No. 303, entitled "An act to legalize the acts and proceedings of the board of trustees and other officers of the town of Tell City, Perry county, Indiana," with the report of the committee recommending its passage.

Which was placed on file without reading.

Mr. Langdon moved to take up Senate Bill No. 207, entitled "An act providing for, determining, allowing and paying claims against the State," etc.

Which was agreed to.

Senate Bill No. 207 was taken up and read the third time.

The question being, shall the bill pass?

The ayes and noes was ordered and taken, resulting as follows:

Those who voted in the affirmative were: Senators Benz, Callwallader, Coffey, Comstock, Davenport, Davis, Dice, Fowler, Grubbs, Harris, Hefron, Heilman, Kahlo, Kent, Langdon, Leeper, Major, Menzies, Mercer, Moore, Olds, Peterson, Poindexter, Ragan, Reeves, Sarnighausen, Shaffer, Shirk, Smith, Streight, Tarlton, Traylor, Treat, Trusler, Urmstan, Viehe, Weir, Wilson, Winterbotham, Wood and Woollen—41.

Those who voted in the negative were: Senators Briscoe, Burrell, Donham, Foster, Garrigus, Hart, Kramer, Reiley and Taylor—9.

The bill passed.

The Senate adjourned.

AFTERNOON SESSION.

FEBRUARY 25, 1879.

The Senate reassembled at 2 o'clock P. M. Lieutenant-Governor Gray in the chair.

Mr. Fowler moved to take up Engrossed House Bill No. 7, "An act regulating the working of coal mines and declaring a lien upon the works and machinery for work and labor in mining coal, and the royalty on coal," etc.

The motion was agreed to.

Engrossed House Bill No. 7 was taken up and read the second time, with the report of the committee recommending its passage.

Mr. Fowler moved that the report of the committee be concurred in.

Mr. Streight moved to amend the motion by ordering one hundred copies of the bill printed.

Which was agreed to.

The report of the committee as amended was then adopted.

Mr. Streight moved that the bill be recommitted to the committee on mines and mining.

Mr. Fowler moved that the bill be made the special order for Thursday at 9 o'clock A. M.

Mr. Streight moved to lay the motion of Mr. Fowler on the table.

The question being on the motion to lie on the table.

The ayes and noes were demanded by Messrs. Foster and Burrell.

Which being ordered and taken, resulted as follows:

Those who voted in the affirmative were: Senators Kent, Reeve, Streight and Taylor—4.

Those who voted in the negative were: Senators Benz, Briscoe, Burrell, Cadwallader, Comstock, Davis, Dice, Donham, Foster, Fowler, Garrigus, Grubbs, Harris, Hart, Hefron, Heilman, Kahlo, Kramer, Leeper, Major, Menzies, Mercer, Moore, Olds, Peterson, Poindexter, Ragan, Reiley, Sarnighausen, Shaffer, Shirk, Smith, Carlton, Traylor, Treat, Trusler, Urmston, Viehe, Weir, Wilson, Winterbotham, Wood and Woollen—43.

The motion to lie on the table was rejected.

The question recurring on the motion to recommit.

It was agreed to.

Mr. Hefron moved to take up Senate Bill No. 297, entitled "An act to abolish the office of State Geologist, providing for the transfer of all apparatus, specimens and property to the State Board of Agriculture," etc.

Which was agreed to.

Senate Bill No. 297 was taken up and read the second time with the report of the committee recommending its passage.

The report of the committee was concurred in.

Mr. Langdon offered the following amendment to section 1:

Amend section 1, lines 9 and 10, by striking out the words "State Board of Agriculture," and insert "Purdue University."

Mr. Harris offered the following substitute for the amendment:

I move to strike out the words "State Board of Agriculture," and insert the words "State Library."

Mr. Foster offered the following amendment to the substitute:

Amend the substitute offered by the Senator from Marion (Mr. Harris), by striking out "State Library," and insert in lieu thereof "State University" at Bloomington.

The question being on the adoption of the amendment.

The ayes and noes were demanded by Messrs. Langdon and Dice.

Which being ordered and taken resulted as follows:

Those who voted in the affirmative were: Senators Burrell, Coffey, Comstock, Fowler, Hart, Kramer, Menzies, Reiley, Taylor, Treat and Viehe—11.

Those who voted in the negative were: Senators Benz, Cadwalader, Davis, Dice, Donham, Foster, Garrigus, Grubbs, Harris, Hebron, Heilman, Kahlo, Kent, Langdon, Leeper, Major, Mercer, Moore, Olds, Peterson, Poindexter, Ragan, Reeve, Sarnighausen, Shaffer, Shirk, Smith, Streight, Tarlton, Taylor, Trusler, Urmston, Weir, Wilson, Winterbotham, Wood and Woollen—37.

The amendment was rejected.

A committee from the House appeared at the door of the Senate and announced that the House of Representatives was in waiting to receive the Senate in joint meeting to hear an address by Mrs. Governor Wallace.

The chair informed the committee that no action had been taken on the subject by the Senate.

The question being on the adoption of the substitute for the amendment of Mr. Langdon.

It was agreed to.

The amendment, as amended, was then adopted.

The question being on the engrossment of the bill.

Mr. Reeve moved to lay the bill on the table.

The question being on the motion to lie on the table.

The ayes and noes were demanded by Messrs. Hefron and Foster.

Which, being ordered and taken, resulted as follows:

Those who voted in the affirmative were: Senators Cadwallader, Davis, Donham, Garrigus, Grubbs, Heilman, Langdon, Mercer, Poindexter, Ragan, Reeve, Shaffer, Streight, Tarlton and Taylor—

Those who voted in the negative were: Senators Benz, Briscoe, Burrell, Coffey, Comstock, Dice, Foster, Fowler, Harris, Hart, Hefron, Kahlo, Kent, Kramer, Leeper, Major, Menzies, Moore, Olds, Peterson, Reiley, Sarnighausen, Shirk, Smith, Traylor, Treat, Trusler, Urmstan, Viehe, Weir, Wilson, Winterbotham, Wood and Yollen—34.

The motion to lie on the table was rejected, and the bill was ordered engrossed.

Mr. Burrell moved that Senate Resolution No. 27, in relation to districting the State for congressional purposes, be taken up, and that motion demanded the previous question.

Which was seconded by consent.

The question being on the motion to take up the resolution.

The ayes and noes were demanded by Messrs. Burrell and Benz.

Which being ordered and taken, resulted as follows:

Those who voted in the affirmative were: Senators Benz, Briscoe, Burrell, Coffey, Dice, Donham, Foster, Garrigus, Grubbs, Harris, Hart, Hefron, Kahlo, Kent, Kramer, Langdon, Leeper, Major, Menzies, Moore, Peterson, Poindexter, Ragan, Reiley, Sarnighausen, Shaffer, Shirk, Smith, Streight, Tarlton, Taylor, Traylor, Trusler, Urmstan, Viehe, Weir, Wilson, Winterbotham, Wood and Yollen.

Those who voted in the negative were: Senators Cadwallader, Comstock, Davis, Heilman, Mercer, Olds and Treat—7.

The motion was agreed to.

Mr. Burrell moved that the resolution be indefinitely postponed, and on that motion demanded the previous question.

The question being on the motion to indefinitely postpone.

The ayes and noes were demanded by Messrs. Langdon Burrell.

Which being ordered and taken, resulted as follows:

Those who voted in the affirmative were: Senators Benz, Loe, Burrell, Coffey, Donham, Foster, Hart, Hefron, Kent, Kraepper, Major, Menzies, Peterson, Reeve, Reiley, Sarnighausen, Tarlton, Traylor, Urmstan, Viehe, Wood, Woollen, Winterbottom and Mr. President—25.

Those who voted in the negative were: Senators Cadwallader, Comstock, Davis, Dice, Garrigus, Grubbs, Harris, Heilman, Kahlo, Langdon, Mercer, Moore, Olds, Poindexter, Ragan, Shaffer, Shirk, Smith, Streight, Taylor, Treat, Trusler, Weir and Wilson—24.

The motion to indefinitely postpone was agreed to.

Mr. Foster moved to take up Engrossed House Bill No. 276, entitled "An act to amend an act entitled an act to declare agreements to pay attorneys' fees contained in any note, draft," illegal and void.

Which was rejected.

Mr. Shaffer moved that Senate Bill No. 278, entitled "An act providing who may practice medicine and surgery, and matter connected therewith," etc., be taken up.

On motion of Mr. Dice Senate Bills Nos. 278 and 84 were taken up by the special order for Friday at 2 o'clock P. M.

On motion of Mr. Streight Senate Bill No. 270, entitled "An act to repeal an act to amend sections 1 and 13 of an act entitled an act to establish superior courts," etc., was taken up and read the second time with the report of the committee recommending its passage.

Which was concurred in.

Mr. Streight moved that the constitutional rule be suspended, the bill considered engrossed, read a third time now, and put upon passage.

The question being on the suspension of the rules.

The ayes and noes were ordered and taken resulting as follows:

Those who voted in the affirmative were: Senators Benz, Cadwallader, Coffey, Comstock, Donham, Foster, Fowler, Grubbs, Harris, Hefron, Heilman, Kahlo, Kramer, Leeper, Major, Menzies, Mercer, Peterson, Poindexter, Ragan, Reeve, Reiley, Sarnighausen, Shaffer, Shirk, Smith, Streight, Tarlton, Taylor, Traylor, Treat, Trusler

Urmstan, Viehe, Weir, Wilson, Winterbotham, Wood and Woollen
39.

Senator Olds' voting in the negative.

The constitutional rule was suspended.

Senate Bill No. 270, was read the third time.

The question being, shall the bill pass?

The ayes and noes were ordered and taken resulting as follows:

Those who voted in the affirmative were: Senators Benz, Briscoe, Urell, Cadwallader, Coffey, Comstock, Dice, Donham, Foster, Fowler, Grubbs, Hart, Hefron, Heilman, Kahlo, Kramer, Leeper, Major, Menzies, Mercer, Olds, Peterson, Poindexter, Ragan, Reeve, Seilley, Shaffer, Shirk, Smith, Streight, Tarlton, Taylor, Traylor, Treat, Trusler, Urmstan, Viehe, Weir, Wilson, Winterbotham, Wood and Woollen—42.

Senator Harris voting in the negative.

The bill passed.

The title of the bill was read, and ordered by the Senate to stand approved.

Leave of absence was asked and obtained for Mr. Wilson for the balance of the day.

Mr. Weir, from the special committee, reported Senate Bill No. 44, entitled "An act to repeal all laws or parts of laws now in force providing for the levy of cash or money poll tax," etc., with the report of the committee suggesting amendments, and when so amended recommending its passage.

Which was placed on file without reading.

Mr. Foster moved to reconsider the vote by which the Senate refused to take up Engrossed House Bill No. 58.

The Senate adjourned.

(Approved.)

ISAAC P. GRAY,
President of the Senate.

WEDNESDAY MORNING.

FEBRUARY 26, 1869.

Senate met at 9 o'clock, Lieutenant-Governor Gray in the chair.

The Journal of yesterday was being read when, on motion of Mr. Wood, the further reading of the same was dispensed with.

Mr. Wood, from the committee on corporations, reported Bill No. 425, "An act for redistricting and laying out of wa cities of not less than 9,000 or more than 13,000 inhabitants."

On motion of Mr. Wood, the bill was read the second time and the report of the committee recommending its passage.

Which was concurred in, and the bill was ordered engrossed.

Mr. Dice presented a petition from six hundred citizens of Tipton county, Indiana, on the subject of temperance.

Which was referred to the committee on temperance without action.

The following message was received from the House, by the speaker thereof:

MR. PRESIDENT:

I am directed by the Speaker of the House to inform the Senate that in compliance with the request of the Senate, he has appointed a committee of conference on the part of the House to act with a like committee on the part of the Senate, to consider Engrossed Senate Bill No. 277 and the House amendment to said bill, and has appointed as such committee Messrs. Osborne of Elkhart and March.

And said information is respectfully transmitted to the Senate.

Mr. Treat offered the following resolution:

WHEREAS, The provisions of section 4 of an act providing for a geological survey, etc., approved March 5, 1869, defining the duties of the State Geologist, require that official to make certain collections in the name of the State; and

WHEREAS, It has been intimated in the discussions of yesterday had upon this floor that most, if not all, the collection now in the office of the State Geologist are the private property of Prof. [Name] who is now in the act of vacating said office; therefore be it

Resolved, That a committee of three members of this Senate be appointed for the purpose of ascertaining just what portion of the geological cabinet now in the office is the property of the State.

Mr. Reeve offered the following amendment:

"And that the State Geologist be instructed to furnish to such committee a full inventory of all specimens provided and prepared by him as geologist under the laws prescribing his duties."

Which was agreed to.

Mr. Dice offered the following amendment:

"And that said committee be authorized to ascertain why reports have not been made by the State Geologist for the past three years, provided by law."

Which was agreed to.

The resolution as amended was then adopted.

Mr. Weir moved to take up Senate Bill No. 144, entitled "An act to repeal all laws and parts of laws now in force, providing for the levy of a cash or money poll tax," etc.

Which was agreed to.

Senate Bill No. 144 was taken up and read the second time, with the report of the committee suggesting amendments, and when so amended recommending its passage.

Which was concurred in.

Mr. Reeve moved that the bill and report of the committee lie on the table.

Which was agreed to.

Mr. Fowler moved to suspend the order of business, and that he be permitted to submit a report from the committee on benevolent institutions on House Bill No. 112, relating to the appointment of trustees for the benevolent institutions, etc.

Which was agreed to.

On motion of Mr. Fowler, House Bill No. 112 was then read the second time, with a report of the majority of the committee recommending its passage; also a minority report recommending the indefinite postponement of the bill, or amended before being passed.

Mr. Streight moved the adoption of the minority report.

Mr. Fowler moved that the minority report be rejected, and demanded the previous question.

Which was seconded by the Senate.

The question being on the rejection of the minority report.

The ayes and noes were demanded by Messrs. Streight and Grubbs, which being ordered and taken, resulted as follows:

Those who voted in the affirmative were: Senators Benz, Burrell, Coffey, Donham, Foster, Fowler, Hart, Hefron, Kramer, Leeper, Major, Menzies, Peterson, Reeve, Reiley, Sarhausen, Tarlton, Traylor, Urmstan, Viehe, Winterbotham, Woollen and Mr. President—26.

Those who voted in the negative were: Senators Cadwalla, Comstock, Davenport, Davis, Dice, Garrigus, Grubbs, Heilman, Kahlo, Langdon, Mercer, Moore, Olds, Poindexter, Ragan, Shaffer, Shirk, Smith, Streight, Taylor, Treat, Tru Wier and Wilson—25.

The minority report was rejected.

Mr. Fowler moved that the majority report be concurred in, demanded the previous question.

Which was seconded by the Senate.

The main question being ordered, Mr. Harris moved that the majority report be indefinitely postponed.

The ayes and noes were demanded by Messrs. Streight and Langdon.

Which being ordered and taken, resulted as follows:

Those who voted in the affirmative were: Senators Cadwalla, Comstock, Davenport, Davis, Dice, Garrigus, Grubbs, Heilman, Kahlo, Langdon, Mercer, Moore, Olds, Poindexter, Ragan, Shaffer, Shirk, Smith, Streight, Taylor, Treat, Tru Weir, and Wilson—25.

Those who voted in the negative were: Senators Benz, Burrell, Coffey, Donham, Foster, Fowler, Hart, Hefron, Kramer, Leeper, Major, Menzies, Peterson, Reeve, Reiley, Sarhausen, Tarlton, Traylor, Urmstan, Viehe, Winterbotham, Woollen and Mr. President—26.

The motion was rejected.

The question being on the adoption of the majority report.

The ayes and noes were demanded by Messrs. Harris and Grubbs. Which being ordered and taken, resulted as follows :

Those who voted in the affirmative were : Senators Benz, Briscoe, Burrell, Coffey, Donham, Foster, Fowler, Hart, Hefron, Kent, Kramer, Leeper, Major, Menzies, Peterson, Reeve, Reiley, Sarnigausen, Tarlton, Traylor, Urmstan, Viehe, Winterbotham, Wood, Woollen and Mr. President—26.

Those who voted in the negative were: Senators Cadwallader, Comstock, Davenport, Davis, Dice, Garrigus, Grubbs, Harris, Heilman, Kahlo, Langdon, Mercer, Moore, Olds, Poindexter, Ragan, Shaffer, Shirk, Smith, Streight, Taylor, Treat, Trusler, Veir and Wilson—25.

The majority report was concurred in.

Mr. Streight offered the following amendment to section 1 :

Provided, That no appointment shall be made except to fill vacancies as they occur.

Mr. Burrell moved to reject the amendment, and demanded the previous question.

Which was seconded by the Senate.

The question being on the motion to reject the amendment.

The ayes and noes were ordered and taken, resulting as follows :

Those who voted in the affirmative were: Senators Benz, Briscoe, Burrell, Coffey, Donham, Foster, Fowler, Hart, Hefron, Kent, Kramer, Leeper, Major, Menzies, Peterson, Reeve, Reiley, Sarnigausen, Tarlton, Traylor, Urmstan, Viehe, Winterbotham, Wood, Woollen and Mr. President—26.

Those who voted in the negative were: Senators Cadwallader, Comstock, Davenport, Davis, Dice, Garrigus, Grubbs, Harris, Heilman, Kahlo, Langdon, Mercer, Moore, Olds, Poindexter, Ragan, Shaffer, Shirk, Smith, Streight, Taylor, Treat, Trusler, Veir and Wilson—25.

The motion was agreed to.

Mr. Menzies moved that the bill as a whole be adopted and put in the calendar, and demanded the previous question.

The ayes and noes were demanded by Messrs. Fowler and Menzies.

Which being ordered and taken, resulted as follows :

Those who voted in the affirmative were: Senators Benz, Briscoe, Burrell, Coffey, Donham, Foster, Fowler, Hart, Hefron, Kent,

Kramer, Leeper, Major, Menzies, Peterson, Reiley, Sarnighausen, Tarlton, Traylor, Urmstan, Viehe, Winterbotham, Wood Woollen—24.

Those who voted in the negative were: Senators Cadwallader, Comstock, Davenport, Davis, Dice, Garrigus, Grubbs, Harlan, Heilman, Kahlo, Langdon, Mercer, Moore, Olds, Poindexter, Ragan, Reeve, Shaffer, Shirk, Smith, Streight, Taylor, Trusler, Weir and Wilson—26.

The previous question was not seconded.

The question being on the motion to adopt the bill as a whole.

The ayes and noes were demanded by Messrs. Streight and Kahlo.

Which being ordered and taken resulted as follows:

Those who voted in the affirmative were: Senators Benz, Burrell, Coffey, Donham, Foster, Fowler, Hart, Hebron, Kramer, Leeper, Major, Menzies, Peterson, Reiley, Sarnighausen, Tarlton, Traylor, Urmstan, Viehe, Winterbotham, Wood Woollen—24.

Those who voted in the negative were: Senators Cadwallader, Comstock, Davenport, Davis, Dice, Garrigus, Grubbs, Harlan, Heilman, Kahlo, Langdon, Mercer, Moore, Olds, Poindexter, Ragan, Reeve, Shaffer, Shirk, Smith, Streight, Taylor, Trusler, Weir and Wilson—26.

The motion was rejected.

Mr. Shirk offered the following amendment to section 11, as follows:

Amend section 11 by striking out of line ten the word "six" and insert the word "three," and striking out in line sixteen the word "four" and insert the word "three."

Mr. Fowler moved to reject the amendment, and demanded the previous question.

The ayes and noes were demanded by Messrs. Shirk and Grubbs.

Which being taken, resulted as follows:

Those who voted in the affirmative were: Senators Benz, Burrell, Coffey, Donham, Foster, Fowler, Hart, Hebron, Kramer, Leeper, Major, Menzies, Peterson, Reeve, Reiley, Sarnighausen, Tarlton, Traylor, Urmstan, Viehe, Winterbotham, Wood Woollen and Mr. President—26.

Those who voted in the negative were: Senators Cadwallader,

omstock, Davenport, Davis, Dice, Garrigus, Grubbs, Harris, Heilman, Kahlo, Langdon, Mercer, Moore, Olds, Poindexter, Ragan, Shaffer, Shirk, Smith, Streight, Taylor, Treat, Trusler, Veir and Wilson—25.

The previous question was seconded.

The question being, shall the main question be now put?

The ayes and noes were demanded by Messrs. Shirk and Harris. Which being ordered and taken, resulted as follows:

Those who voted in the affirmative were: Senators Benz, Briscoe, Currell, Coffey, Donham, Foster, Fowler, Hart, Hefron, Kent, Kramer, Leeper, Major, Menzies, Peterson, Reeve, Reiley, Sarnighausen, Tarlton, Traylor, Urmstan, Viehe, Winterbotham, Wood, Woollen and Mr. President—26.

Those who voted in the negative were: Senators Cadwallader, Comstock, Davenport, Davis, Dice, Garrigus, Grubbs, Harris, Heilman, Kahlo, Langdon, Mercer, Moore, Olds, Poindexter, Ragan, Shaffer, Shirk, Smith, Streight, Taylor, Treat, Trusler, Veir and Wilson—25.

The main question was ordered.

The question being on the motion to reject the amendment.

The ayes and noes were demanded by Messrs. Shirk and Ragan, which being ordered and taken resulted as follows:

Those who voted in the affirmative were: Senators Benz, Briscoe, Currell, Coffey, Donham, Fowler, Hart, Hefron, Kent, Kramer, Leeper, Major, Menzies, Peterson, Reeve, Reiley, Sarnighausen, Tarlton, Traylor, Urmstan, Viehe, Winterbotham, Wood and Woollen—24.

Those who voted in the negative were: Senators Cadwallader, Comstock, Davenport, Davis, Dice, Foster, Garrigus, Grubbs, Harris, Heilman, Kahlo, Langdon, Mercer, Moore, Olds, Poindexter, Ragan, Shaffer, Shirk, Smith, Streight, Taylor, Treat, Trusler, Veir and Wilson—26.

The motion was rejected.

The question being on the adoption of the amendment.

The ayes and noes were demanded by Messrs. Grubbs and Langdon. Which being ordered and taken resulted as follows:

Those who voted in the affirmative were: Senators Cadwallader,

Comstock, Davenport, Davis, Dice, Garrigus, Grubbs, Harris, Heilman, Kahlo, Langdon, Mercer, Moore, Olds, Poindexter, Ragan, Shaffer, Shirk, Smith, Streight, Taylor, Treat, Trusler, Weir and Wilson—25.

Those who voted in the negative were: Senators Benz, Briscoe, Burrell, Coffey, Donham, Foster, Fowler, Hart, Hefron, Kent, Kramer, Leeper, Major, Menzies, Peterson, Reeve, Reiley, Sarnighausen, Tarlton, Traylor, Urmstan, Viehe, Winterbotham, Wood, Woollen and Mr. President—26.

The amendment was rejected.

Mr. Reeve offered the following amendment to section 7, third line, after the word "superintendent," insert "who may reside in the institution," and demanded the previous question.

Which was seconded by consent.

The question being on the adoption of the amendment.

The ayes and noes were demanded by Messrs. Reeve and Burrell.

Which being ordered and taken resulted as follows:

Those who voted in the affirmative were: Senators Benz, Briscoe, Burrell, Coffey, Davenport, Davis, Dice, Donham, Foster, Fowler, Garrigus, Harris, Hart, Heilman, Kahlo, Kent, Kramer, Leeper, Major, Menzies, Moore, Peterson, Poindexter, Ragan, Reeve, Reiley, Sarnighausen, Shaffer, Shirk, Smith, Streight, Tarlton, Traylor, Trusler, Urmstan, Viehe, Weir, Winterbotham, Wood and Woollen—40.

Those who voted in the negative were: Senators Cadwalkader, Comstock, Grubbs, Harris, Langdon, Mercer, Olds, Taylor and Treat—9.

The amendment was adopted.

Mr. Streight offered the following motion:

"I move to recommit the bill to the committee on benevolent institutions, with instructions to so amend the bill as not to increase the compensation of any officer connected with the benevolent institutions, and that one hundred copies of the bill be printed.

Mr. Menzies demanded the previous question.

The ayes and noes were demanded by Messrs. Langdon and Grubbs.

Which being ordered and taken resulted as follows:

Those who voted in the affirmative were: Senators Benz, Briscoe,

Burrell, Coffey, Donham, Foster, Fowler, Hart, Hefron, Kent, Kramer, Leeper, Major, Menzies, Peterson, Reeve, Reiley, Sarnighausen, Tarlton, Traylor, Urmstan, Viehe, Winterbotham, Wood, Woollen and Mr. President—26.

Those who voted in the negative were: Senators Cadwallader, Comstock, Davenport, Davis, Dice, Garrigus, Grubbs, Harris, Heilman, Kahlo, Langdon, Mercer, Moore, Olds, Poindexter, Ragan, Shaffer, Shirk, Smith, Streight, Taylor, Treat, Trusler, Wier and Wilson—25.

The previous question was seconded.

The question being on the motion to recommit the bill.

The ayes and noes were demanded by Messrs. Burrell and Streight. Which being ordered and taken resulted as follows:

Those who voted in the affirmative were: Senators Cadwallader, Comstock, Davenport, Davis, Dice, Garrigus, Grubbs, Harris, Heilman, Kahlo, Langdon, Mercer, Moore, Olds, Poindexter, Ragan, Shaffer, Shirk, Smith, Streight, Taylor, Treat, Trusler, Weir and Wilson—25.

Those who voted in the negative were: Senators Benz, Britscoe, Burrell, Coffey, Donham, Foster, Fowler, Hart, Hefron, Kent, Kramer, Leeper, Major, Menzies, Peterson, Reeve, Reiley, Sarnighausen, Tarlton, Traylor, Urmstan, Viehe, Winterbotham, Wood, Woollen and Mr. President—26.

The motion to recommit was rejected.

Mr. Shaffer moved to adjourn.

The ayes and noes were demanded by Messrs. Reeve, Menzies, Hefron, Burrell and Reiley.

Which being ordered and taken, resulted as follows:

Those who voted in the affirmative were: Senators Cadwallader, Comstock, Davenport, Davis, Dice, Garrigus, Grubbs, Harris, Heilman, Kahlo, Langdon, Mercer, Moore, Olds, Poindexter, Ragan, Shaffer, Shirk, Smith, Streight, Taylor, Treat, Trusler, Weir and Wilson—25.

Those who voted in the negative were: Senators Benz, Britscoe, Burrell, Coffey, Donham, Foster, Fowler, Hart, Hefron, Kent, Kramer, Leeper, Major, Menzies, Peterson, Reeve, Reiley, Sarnighausen, Tarlton, Traylor, Urmstan, Viehe, Winterbotham, Wood, Woollen and Mr. President—26.

The motion was rejected.

Mr. Reeve offered the following amendment:

Amend section 9, page 5 of the section, after the word "family" insert "except the wife and children of such officer, whose regular home has been and is with him," and demanded the previous question, which was seconded by the Senate by consent.

The amendment was adopted.

Mr. Streight moved as follows:

"I move that further consideration of the bill under consideration be postponed until Monday next, at 9 o'clock A. M.

Mr. Streight having exhausted the time allowed for debate under the rule, moved that his time be extended.

Messrs. Streight and Harris demanded the ayes and noes.

Which, being ordered and taken, resulted as follows:

Those who voted in the affirmative were: Senators Briscoe, Cadwallader, Coffey, Comstock, Davenport, Davis, Dice, Fowler, Garrigus, Grubbs, Harris, Hart, Hefron, Heilman, Kahlo, Keiser, Kramer, Langdon, Leeper, Major, Menzies, Mercer, Moore, Olney, Peterson, Poindexter, Reeve, Ragan, Reiley, Sarnighausen, Shaffner, Smith, Streight, Taylor, Traylor, Treat, Trusler, Viehe, Wilson, Winterbotham, Wood and Woollen—43.

Those who voted in the negative were: Senators Benz, Burnham, Donham, Foster and Urmstan—5.

The motion was agreed to.

The Senate adjourned.

AFTERNOON SESSION.

FEBRUARY 26, 1879.

The Senate reassembled at 2 o'clock P. M. Lieutenant-Governor Gray in the chair.

Mr. Fowler moved the previous question.

Which was seconded by the Senate.

The question being on the motion to postpone further consideration of the bill until Monday.

The ayes and noes were ordered and taken, resulting as follows:

Those who voted in the affirmative were: Senators Cadwallader, Knott, Davenport, Dice, Garrigus, Grubbs, Harris, Heilman, Kahlo, Langdon, Mercer, Moore, Olds, Poindexter, Ragan, Shaffer, Shirk, Smith, Streight, Taylor, Treat, Trusler and Weir—23.

Those who voted in the negative were: Senators Benz, Briscoe, Currell, Coffey, Davis, Donham, Foster, Fowler, Hart, Hefron, Kent, Kramer, Major, Menzies, Peterson, Reeve, Reiley, Sarnighausen, Tarlton, Traylor, Urmstan, Viehe, Winterbotham, Wood and Woollen—25.

The motion to postpone was rejected.

Mr. Reeve offered the following amendment:

In section 21, first page of section, after the word "just," insert with opportunity to the party to answer and defend against the charges, he being suspended during the inquiry."

Which was adopted.

Mr. Reeve moved that section 2, as amended, be adopted.

Which was agreed to.

Mr. Fowler moved to adopt the bill as a whole, and demanded the previous question.

Which was seconded by the Senate.

Mr. Harris moved to lay the motion of Mr. Fowler on the table.

The ayes and noes were demanded by Messrs. Harris and Langdon.

Which, being ordered and taken, resulted as follows:

Those who voted in the affirmative were: Senators Cadwallader, Knott, Davenport, Davis, Dice, Garrigus, Grubbs, Harris, Heilman, Kahlo, Langdon, Mercer, Moore, Olds, Poindexter, Ragan, Shaffer, Shirk, Smith, Streight, Taylor, Treat, Trusler and Weir—24.

Those who voted in the negative were: Senators Benz, Briscoe, Currell, Coffey, Donham, Foster, Fowler, Hart, Hefron, Kent, Kramer, Major, Menzies, Peterson, Reeve, Reiley, Sarnighausen, Tarlton, Traylor, Urmstan, Viehe, Wood, Woollen, Winterbotham and Mr. President—25.

The motion was rejected.

The question being on the adoption of the bill as a whole.

The ayes and noes were demanded by Messrs. Menzies and Harris.

Which being ordered and taken, resulted as follows :

Those who voted in the affirmative were: Senators Benz, Burrell, Coffey, Donham, Foster, Fowler, Hart, Hefron, Kramer, Major, Menzies, Peterson, Reeve, Reiley, Sarnighan, Tarlton, Traylor, Urmstan, Viehe, Wood, Woollen, Winterbotham and Mr. President—25.

Those who voted in the negative were: Senators Cadwallader, Comstock, Davenport, Davis, Dice, Garrigus, Grubbs, Harris, Langdon, Kahlo, Mercer, Moore, Olds, Poindexter, Shaffer, Shirk, Smith, Streight, Taylor, Treat, Trusler and Weir—10.

The bill was adopted.

Mr. Viehe, from the committee on the judiciary, reported S. Bill No. 399, in relation to the submission of the constitutional amendments, with the report of the committee recommending its passage after certain amendments.

The question being on concurring in the report of the committee,

Mr. Harris offered the following amendment:

Amend the report by striking out the words "on the first Monday of April, 1880," and insert "the second Tuesday in October, 1880."

Which was rejected.

The report of the committee was then concurred in.

The bill as amended was then adopted.

Mr. Harris moved that the constitutional rule be suspended so that the bill read the third time now and put upon its passage.

The ayes and noes were ordered and taken, resulting as follows:

Those who voted in the affirmative were: Senators Briscoe, Wallader, Coffey, Comstock, Davenport, Davis, Dice, Donham, Foster, Fowler, Garrigus, Grubbs, Harris, Hart, Hefron, Heister, Kahlo, Kent, Kramer, Langdon, Major, Menzies, Mercer, Moore, Olds, Peterson, Poindexter, Ragan, Reiley, Reeve, Sarnighan, Shaffer, Shirk, Smith, Streight, Tarlton, Taylor, Traylor, Trusler, Urmston, Viehe, Weir, Wood, Wilson and Winterbotham—46.

Those who voted in the negative were: Senators Benz, Burrell and Woollen—3.

The rule was suspended.

enate Bill No. 399 was then read the third time.

ne question being, shall the bill pass?

ne ayes and noes were ordered and taken, resulting as follows:

those who voted in the affirmative were: Senators Cadwallader, ey, Comstock, Davenport, Davis, Dice, Donham, Foster, Fowler, igrus, Grubbs, Harris, Hart, Heilman, Kahlo, Kent, Kramer, gdon, Major, Mercer, Moore, Olds, Peterson, Poindexter, Ragan, ve, Reiley, Sarnighausen, Shaffer, Shirk, Smith, Streight, 'arl-Taylor, Treat, Trusler, Urmstan, Viehe, Wood and Woollen D).

those who voted in the negative were: Senators Benz, Briscoe, rell, Menzies, Traylor, Winterbotham and Woollen—7.

he bill passed.

he title was then read.

Mr. Harris offered the following substitute:

An act providing for the submission to the electors of the State Indiana, for ratification, the constitutional amendments proposed and adopted by the General Assemblies of said State at the sessions of 1877 and 1879, prescribing certain duties of officers of tion and others, providing penalties for violation thereof and other provisions relating to the subject matter."

Which was adopted.

On motion of Mr. Harris, House Bill No. 158, entitled "An act concerning married women," was recommitted.

The following message was received from the House by the Clerk thereof:

PRESIDENT:

I am directed by the Speaker of the House of Representatives to inform the Senate that he has signed Enrolled House Bill No. 187, entitled "An act defining the meaning of the 1st proviso of the 2d section of an act entitled an act for the re-location of county seats,"

Also, Enrolled House Bill No. 135, entitled "An act legalizing acts of the corporation officers of the town of Shelburn, Sullivan county, Indiana," etc.

The same are herewith transmitted to the Senate for the signature of the President thereof.

Mr. Shirk moved to take up Senate Bill No. 69.

The ayes and noes were demanded by Messrs. Burrell and which being ordered and taken, resulted as follows:

Those who voted in the affirmative were: Senators Cad Davenport, Dice, Donham, Foster, Fowler, Heilman, Kahdon, Mercer, Moore, Peterson, Poindexter, Ragan, Shaff Smith, Streight, Tarlton, Taylor, Treat, Trusler, Weir and len—24.

Those who voted in the negative were: Senators Benz Burrell, Coffey, Comstock, Davis, Garrigus, Grubbs, Har Kent, Kramer, Major, Menzies, Olds, Reiley, Sarnighausen Traylor, Urmstan, Wilson, Winterbotham and Wood—23.

The motion was agreed to.

Senate Bill No. 69, providing for the organization of a for feeble minded children, was taken up and read the third

The question being, shall the bill pass?

The ayes and noes were ordered and taken, resulting as

Those who voted in the affirmative were: Senators Cad Comstock, Davenport, Davis, Fowler, Garrigus, Grubbs Heilman, Kahlo, Kent, Langdon, Leeper, Mercer, Moore Peterson, Poindexter, Ragan, Reeve, Sarnighausen, Shaff Smith, Streight, Tarlton, Taylor, Treat, Trusler, Viehe, W son and Woollen—33.

Those who voted in the negative were: Senators Benz Burrell, Donham, Foster, Hart, Kramer, Major, Menzie Traylor, Urmstan, Winterbotham and Wood—14.

The bill passed.

The title was then read and ordered by the Senate to be proved.

Mr. Menzies introduced Senate Bill No. 440, entitled "to repeal an act entitled an act to fix the number of Senators representatives to the General Assembly of the State of which became a law by lapse of time, December 27, 1872.

Read the first time and referred to the committee on reapportionment.

Mr. Heilman introduced Senate Bill No. 441, entitled "to amend the first section of an act entitled an act supple

t entitled an act for the incorporation of mining and manufacturing companies," etc.

ad the first time and referred to the committee on the judiciary.

e Senate adjourned.

pproved.)

ISAAC P. GRAY,
President of the Senate.

THURSDAY MORNING.

FEBRUARY 27, 1879.

e Senate met at 9 o'clock, Lieutenant-Governor Gray in the

e Journal of yesterday was being read when, on motion of Mr.
, the further reading of the same was dispensed with.

r. Streight moved that the order of business be suspended and
the committee on railroads be permitted to submit a report on
te Bill No. 368, entitled "An act regulating the transportation
eight on and over railroads," etc.

hich was agreed to.

r. Fowler, from the committee on railroads, reported Senate
No. 368, with the majority report of the committee recommend-
that it do lie on the table, and a minority report of the commit-
suggesting amendments, and when so amended recommending
assage.

hich was placed on file without reading.

r. Streight moved that two hundred copies of the bill and
rts be printed.

hich was agreed to.

leave of absence was asked and obtained for Mr. Wilson until

r. Reeve moved for leave to introduce a bill.

hich was agreed to.

r. Reeve introduced Senate Bill No. 442, entitled "An act sup-
plemental to an act regulating general elections, and prescribing the

duties of officers in relation thereto, approved June 7, 1872, acts amendatory thereof, relating to the general elections to in 1880."

Mr. Reeve moved that the constitutional rule be suspended, the bill read a second time, considered engrossed, read a third time and put upon its passage.

The question being on the suspension of the constitution

The ayes and noes were ordered and taken, resulting as fol

Those who voted in the affirmative were: Senator Cadwallader, Comstock, Davenport, Dice, Donham, Foster, Harris, Hart, Hefron, Heilman, Kahlo, Kent, Langdon, Major, Mercer, Moore, Peterson, Poindexter, Ragan, Reeve, Shirk, Streight, Tarlton, Taylor, Traylor, Treat, Trusler, U Viehe, Weir, Winterbotham and Wood—36.

Those who voted in the negative were: Senators Kramer, Reiley and Smith—4.

The constitutional rule was suspended.

Senate Bill No. 442 was then read the second time.

On motion of Mr. Harris, it was referred to the committee on judiciary, with instructions to report to-morrow morning at 9

The regular order of business being resumed, Senate Bill entitled "An act to enable the owners of wet lands to drain claim the same," was taken up and read the third time.

The question being, shall the bill pass?

Mr. Foster demanded the previous question, which was sustained by the Senate.

The question now being, shall the bill pass?

The ayes and noes were ordered and taken, resulting as fol

Those who voted in the affirmative were: Senators Benz, Burrell, Cadwallader, Comstock, Davenport, Dice, Donham, Fowler, Garrigus, Grubbs, Harris, Hart, Hefron, Heilman, Kramer, Langdon, Major, Mercer, Moore, Peterson, Poindexter, Reiley, Sarnighausen, Shaffer, Shirk, Smith, Streight, Taylor, Traylor, Treat, Trusler, Urmstan, Viehe, Weir, Woollen—40.

Those who voted in the negative were: Senators Menzies, Ragan, Reeve and Winterbotham—5.

The bill passed.

the title was then read, and ordered by the Senate to stand approved.

Mr. Foster, from the special committee, submitted minority and majority reports on Senate Bill No. 103, entitled "An act to authorize the State to contract, maintain, and operate water works," etc., which were read.

Mr. Urmstan moved that the minority report be adopted.

Mr. Winterbotham offered the following amendment: To move to strike out "four per cent.," in section 1, and insert "one per cent.," in amended bill.

The question being on the adoption of the amendment.

The ayes and noes were demanded by Messrs. Urmstan and Winterbotham.

Which being ordered and taken, resulted as follows:

Those who voted in the affirmative were: Senators Benz, Briscoe, Hart, Heilman, Kramer, Menzies, Peterson, Ragan, Smith, Taylor, Winterbotham and Wood—13.

Those who voted in the negative were: Senators Burrell, Davenport, Donham, Foster, Grubbs, Heffron, Kahlo, Kent, Langdon, Mercer, Moore, Olds, Poindexter, Reeve, Reiley, Sarnighausen, Shaffer, Shirk, Streight, Tarlton, Taylor, Treat, Urmstan, Viehe and Weir—27.

The amendment was rejected.

Mr. Reeve offered the following amendment:

To move to amend the minority report of the committee, by striking out so much as relates to "four per cent."

Mr. Menzies moved to lay the amendment on the table.

Which was rejected.

Mr. Foster demanded the previous question.

Which was seconded by the Senate.

The ayes and noes then were ordered and taken, resulting as follows:

Those who voted in the affirmative were: Senators Cadwallader, Davenport, Donham, Foster, Fowler, Heffron, Heilman, Kahlo, Kent, Langdon, Mercer, Moore, Olds, Peterson, Reeve, Reiley, Sarnighausen, Shirk, Streight, Tarlton, Taylor, Treat and Urmstan—24.

Those who voted in the negative were: Senators Benz, Briscoe, Burrell, Coffey, Garrigus, Grubbs, Harris, Hart, Kramer, Leeper, Menzies, Poindexter, Ragan, Shaffer, Smith, Traylor, Urmstan, Veihe, Weir, Winterbotham and Wood—21.

The amendment was agreed to.

The minority report, as amended, was then adopted.

Mr. Reeve offered the following amendment to section 2 of the substitute reported by the majority:

Amend report, section 2, by adding to the twenty-seventh line as follows: "No artificial provision made for water by any person or corporation or owned by any person, association or body, shall be used or condemned without consent of the owner."

Pending the amendment the Senate adjourned.

AFTERNOON SESSION.

FEBRUARY 27, 1879.

Senate reassembled at 2 o'clock P. M., Lieutenant-Governor Gray in the chair.

The question being on the adoption of the amendment offered by Mr. Reeve.

It was adopted.

Mr. Dice offered the following amendment:

Amend section 1 by adding the following: *Provided*, That the common council of any city or town, trustees of any incorporated town contemplating building water works, under this act, shall, before actually embarking therein, submit the question to the qualified voters thereof at a special or general election, and voters desiring water works may vote for water works. Such election to be ordered upon a petition of one hundred freeholders and resident taxpayers of such city or incorporated town, and in no case shall the common council of any city or town, trustees of any incorporated town erect water works except upon a majority of the legal voters thereof, as provided for in this act.

Mr. Reeve offered the following amendment:

Amend first substituted section by adding: "*Provided, further,* that no action shall be taken by the authorities of any town or city under this act to build water works, unless on petition of property owners in said town or city, owning property to be taxed for the payment of such works equal to three-fifths in value of all property liable to taxation, or unless the question be submitted to the legal voters of said town or city at any general election, or special election called for the purpose, and a majority of the property owners, equal to three-fifths in value of all property liable to taxation as aforesaid, shall vote in favor of such works, for which election the town or town authorities shall make provision."

Which was rejected.

The amendment offered by Mr. Dice was then adopted.

The majority report was then concurred in.

Mr. Sarnighausen offered the following amendment:

Amend section 1 by adding "such bonds shall be issued under the provisions of the present law regulating the issue and sale of bonds: *Provided, however,* That by the provisions of said act the entire money borrowed by a city, shall not at any time exceed two per centum of the taxable property of such city, and shall not apply to this act."

Mr. Foster moved to reject the amendment.

Messrs. Foster and Menzies demanded the ayes and noes, which being ordered and taken, resulted as follows:

Those who voted in the affirmative were: Senators Benz, Briscoe, Rice, Donham, Foster, Fowler, Grubbs, Hefron, Heilman, Kahlo, Mercer, Moore, Olds, Reiley, Shaffer, Shirk, Streight, Treat, Trusty, Wilson and Woollen—21.

Those who voted in the negative were: Senators Burrell, Edwallader, Coffey, Comstock, Davenport, Garrigus, Harris, Hart, Kent, Kramer, Langdon, Leeper, Menzies, Peterson, Ragan, Reeve, Sarnighausen, Smith, Tarlton, Taylor, Traylor, Urmstan, Viehe, Weir, Winterbotham and Wood—26.

The motion was not agreed to.

The amendment offered by Mr. Sarnighausen was then adopted.

Section 1 was then adopted.

Mr. Wier offered the following amendment :

Amend by striking out "incorporated towns."

Which was rejected.

Mr. Sarnighausen offered the following amendment to section 10:

Amend section 10 by adding, "and such contracts shall be subject to the ratification by the common council."

Which was agreed to.

Mr. Sarnighausen offered the following amendment to section 14:

Amend section 14, line 9, after the word "fidelity," "which contract shall be subject to ratification of the common council as heretofore provided."

Which was adopted.

Mr. Sarnighausen moved to amend section 15, as follows :

Amend section 15 by adding, "such bonds shall be submitted to the common council for approval."

Which was adopted.

The question recurring on the adoption of the bill as a whole.

The ayes and noes were demanded by Messrs. Foster and Menzies.

Which being ordered and taken, resulted as follows :

Those who voted in the affirmative were: Senators Benz, Burrell, Cadwallader, Comstock, Davenport, Dice, Donham, Foster, Fowler, Garrigus, Grubbs, Harris, Hefron, Heilman, Kahlo, Kent, Kramer, Langdon, Leeper, Mercer, Moore, Olds, Poindexter, Reiley, Sarnighausen, Shaffer, Shirk, Smith, Streight, Tarlton, Taylor, Treat, Trusler, Viehe, Wilson, Wood and Woollen—37.

Those who voted in the negative were: Senators Briscoe, Coffey, Hart, Menzies, Peterson, Ragan, Reeve, Traylor, Urmstan and Winterbotham—10.

The bill as a whole was adopted.

Mr. Foster moved that the constitutional rule be suspended, the bill read the third time and put upon its passage.

The question being on the motion to suspend the rule.

The ayes and noes were ordered and taken, resulting as follows:

Those who voted in the affirmative were: Senators Benz, Briscoe, Burrell, Cadwallader, Comstock, Davenport, Dice, Donham, Foster, Fowler, Garrigus, Grubbs, Harris, Hart, Hefron, Heilman, Kahlo, Kent, Kramer, Langdon, Mercer, Moore, Olds, Peterson, Poindexter—

ter, Ragan, Reiley, Sarnighausen, Shaffer, Shirk, Smith, Streight, Tarlton, Taylor, Treat, Trusler, Urmstan, Viehe, Wilson, Winterbotham, Wood and Woollen—42.

Those who voted in the negative were: Senators Coffey, Leeper, Menzies and Reeve—4.

The rule was suspended.

Senate Bill No. 103 was read the third time.

The question being, shall the bill pass?

The ayes and noes were ordered and taken, resulting as follows:

Those who voted in the affirmative were: Senators Benz, Cadwallader, Comstock, Davenport, Dice, Donham, Foster, Garrigus, Grubbs, Harris, Hefron, Heilman, Kahlo, Langdon, Mercer, Moore, Peterson, Poindexter, Reiley, Sarnighausen, Shaffer, Shirk, Smith, Streight, Tarlton, Treat, Trusler, Viehe, Wilson, Wood and Woollen—31.

Those who voted in the negative were: Senators Briscoe, Burrell, Coffey, Hart, Kramer, Menzies, Ragan, Reeve, Traylor, Urmstan and Winterbotham—11.

The bill passed.

The title was then read and ordered by the Senate to stand approved.

The chair appointed as the special committee to ascertain the amount of specimens in the hands of the State Geologist, etc., Messrs. Treat, Urmstan and Wilson.

Mr. Fowler moved to take up engrossed House Bill No. 7, in relation to the working and ventilation of coal mines, etc.

Which was agreed to.

House Bill No. 7 was then read the third time.

The question being, shall the bill pass?

Mr. Viehe demanded the previous question.

The question being on seconding the demand for the previous question.

The ayes and noes were demanded by Messrs. Streight and Garrigus.

Which being ordered and taken, resulted as follows:

Those who voted in the affirmative were: Senators Benz, Briscoe, Burrell, Comstock, Davis, Donham, Foster, Fowler, Hart, Langdon,

Major, Menzies, Olds, Peterson, Poindexter, Ragan, Reiley, Sarnighausen, Tarlton, Traylor, Treat, Trusler, Urmstan, Viehe, Weir, Winterbotham, Wood and Woollen—28.

Those who voted in the negative were: Senators Cadwallader, Garrigus, Harris, Hefron, Heilman, Kahlo, Kent, Kramer, Leeper, Mercer, Reeve, Shirk, Streight and Taylor—14.

The demand for the previous question was seconded.

The question being, shall the bill pass?

The ayes and noes were ordered and taken, resulting as follows:

Those who voted in the affirmative were: Senators Benz, Briscoe, Burrell, Coffey, Davis, Foster, Fowler, Hart, Hefron, Kahlo, Kramer, Langdon, Leeper, Major, Menzies, Olds, Peterson, Poindexter, Reiley, Sarnighausen, Shirk, Tarlton, Traylor, Urmstan, Viehe, Weir, Wood and Woollen—28.

Those who voted in the negative were: Senators Cadwallader, Comstock, Donham, Garrigus, Harris, Heilman, Kent, Mercer, Ragan, Reeve, Streight, Taylor, Trusler and Winterbotham—14.

The bill passed.

The title was then read, and ordered by the Senate to stand approved.

Mr. Olds, from the special committee appointed to investigate the Soldiers' Orphans' Home at Knightstown, and other benevolent institutions, submitted a report concerning the same.

Which was read, and, on motion of Mr. Woollen, was laid on the table and made the special order for to-morrow morning.

The Senate adjourned.

(Approved.)

ISAAC P. GRAY,
President of the Senate.

FRIDAY MORNING.

FEBRUARY 28, 1879.

The Senate met at 9 o'clock A. M., Lieutenant-Governor Gray in the chair.

session was opened with prayer by Rev. Urban C. Brewer,
Central Christian Church.

The Journal of yesterday was being read when, on motion of Mr.
s, the further reading of the same was dispensed with.

Mr. Harris moved to take up House amendments to engrossed
Bill No. 58, entitled "An act concerning prisoners in jail."
which was agreed to.

House amendments to Senate Bill No. 58 were taken up, read
concurrent in.

Mr. Dice moved to proceed with bills on third reading.
which was agreed to.

Senate Bill No. 56, entitled "An act to amend sections 175 and
of an act to revise, simplify and abridge the rules, practice,
and forms in civil cases," etc., was read the third time.

The question being, shall the bill pass?

The yeas and noes were ordered and taken, resulting as follows:

Those who voted in the affirmative were: Senators Benz, Briscoe,
ell, Coffey, Comstock, Davenport, Dice, Donham, Foster,
er, Garrigus, Grubbs, Hart, Heilman, Kramer, Langdon,
er, Major, Mercer, Moore, Olds, Peterson, Poindexter, Ragan,
e, Reiley, Sarnighausen, Smith, Streight, Tarlton, Taylor,
lor, Treat, Trusler, Urmstan, Wilson, Winterbotham, Wood
Woollen—39.

Senator Viehe voting in the negative.

The bill passed.

The title was read.

Mr. Harris offered the following amended title:

An act prohibiting the courts of this State from entertaining
jurisdiction of certain actions in certain cases.

which was ordered to stand as the title of the act.

The following message was received from the House by the Clerk
of:

PRESIDENT:

I am directed by the Speaker of the House of Representatives to
inform the Senate that he has signed Enrolled Senate Act No. 30,
relating to the settlement of deceased wards' estates by guardians.

Also, Enrolled Senate Act No. 101, repealing the act authorizing the construction of water works.

Also, Enrolled Senate Act No. 6, legalizing the acknowledgment of deeds, etc.

Also, Enrolled Senate Act No. 268, fixing the time for holding courts in the second judicial circuit of Indiana.

And the same are herewith transmitted to the Senate.

Senate Bill No. 57, "An act concerning workhouses," etc., was read the third time.

The question being, shall the bill pass?

The ayes and noes were ordered and taken resulting as follows:

Those who voted in the affirmative were: Senators Benz, Briscoe, Cadwallader, Coffey, Comstock, Davenport, Davis, Dice, Donham, Foster, Fowler, Garrigus, Grubbs, Harris, Hart, Hefron, Heilman, Kramer, Langdon, Leeper, Major, Menzies, Mercer, Moore, Olds, Peterson, Poindexter, Ragan, Reeve, Reiley, Sarnighausen, Shaffer, Shirk, Smith, Streight, Tarlton, Taylor, Traylor, Treat, Trusler, Urmstan, Viehe, Weir, Wilson, Winterbotham, Wood and Woollen—47.

Senator Burrell voting in the negative.

The bill passed.

The title was then read, when Mr. Harris offered the following substitute:

"An act for the establishment of workhouses, providing for their erection, maintenance and government, and other matters properly connected therewith."

Which was adopted by the Senate.

Senate Bill No. 61, providing for the election of sheriff, etc.

Was taken up and read the third time.

The question being, shall the bill pass?

The ayes and noes were ordered and taken, resulting as follows:

Those who voted in the affirmative were: Senators Briscoe, Burrell, Cadwallader, Coffey, Comstock, Davenport, Dice, Donham, Foster, Fowler, Garrigus, Grubbs, Harris, Hart, Hefron, Heilman, Kramer, Langdon, Leeper, Major, Menzies, Mercer, Moore, Peterson, Poindexter, Ragan, Reiley, Sarnighausen, Shaffer, Shirk, Streight, Tarlton, Taylor, Traylor, Treat, Trusler, Urmstan, Viehe, Weir, Wilson, Winterbotham, Wood and Woollen—43.

Those who voted in the negative were: Senators Benz, Olds and Reeve—3.

The bill passed.

The title of the bill was then read and ordered by the Senate to be read and approved.

Senate Bill No. 94, limiting the height of hedges along highways, etc.

Was taken up and read the third time.

The question being, shall the bill pass?

The ayes and noes were ordered and taken, resulting as follows:

Those who voted in the affirmative were: Senators Comstock, Donham, Fowler, Harris, Hefron, Kramer, Langdon, Leeper, Menzies, Moore, Olds, Peterson, Reeve, Reiley, Sarnighausen, Shaffer, Tarlton, Taylor, Weir and Wood—20.

Those who voted in the negative were: Senators Benz, Briscoe, Burrell, Cadwallader, Coffey, Davenport, Foster, Garrigus, Grubbs, Hart, Heilman, Kahlo, Major, Mercer, Ragan, Shirk, Streight, Treat, Trusler, Wilson, Winterbotham and Woollen—23.

The bill failed to pass.

Senate Bill No. 122 to provide for the repair of free turnpike roads in the various counties of this State, etc., was read the third time.

The question being, shall the bill pass?

The ayes and noes were ordered and taken, resulting as follows:

Those who voted in the affirmative were: Senators Cadwallader, Comstock, Davenport, Donham, Fowler, Grubbs, Hart, Heilman, Kahlo, Kramer, Langdon, Leeper, Menzies, Mercer, Moore, Olds, Peterson, Poindexter, Ragan, Reeve, Sarnighausen, Shaffer, Shirk, Smith, Streight, Tarlton, Taylor, Treat, Trusler, Weir, Wood, Woollen and Wilson—33.

Those who voted in the negative were: Senators Burrell, Coffey, Garrigus, Harris, Hefron, Major, Reilley, Traylor, Viehe and Winterbotham—10.

The bill passed.

The title being read, Mr. Shaffer offered the following amendment:

Amend the title as follows: "An act to provide for the repair of free turnpike roads in the various counties of Indiana, and consti-

tuting the board of county commissioners of any county in this State a board of directors of such roads."

Which was adopted, and the title ordered approved as amended.

Mr. Langdon, from the committee on the organization of courts reported Senate Bill No. 21, entitled "An act establishing city courts in cities having a population of six thousand inhabitants," etc.

Which was read the second time, with the report of the committee recommending its passage.

The report of the committee was concurred in and the bill ordered engrossed.

Senate Bill No. 169, entitled "An act to protect persons who are mortgagors from disposing of the same," etc., was taken up and read the third time.

The question being, shall the bill pass?

The ayes and noes were ordered and taken, resulting as follows:

Those who voted in the affirmative were: Senators Briscoe, Cadwallader, Coffey, Comstock, Davenport, Davis, Donham, Fowler, Garrigus, Grubbs, Harris, Hart, Heilman, Kahlo, Kramer, Langdon, Leeper, Menzies, Mercer, Moore, Olds, Peterson, Poindexter, Ragan, Reiley, Sarnighausen, Shaffer, Shirk, Smith, Streight, Tarlton, Taylor, Traylor, Trusler, Viehe, Weir, Wilson and Wollen—38.

Those who voted in the negative were: Senators Burrell, Hefron, Major and Winterbotham—4.

The bill passed.

The title was then read, and ordered by the Senate to stand approved.

Senate Bill No. 175, entitled "An act providing for the appointment and qualification of county superintendent, was taken up and read the third time.

The question being, shall the bill pass?

The ayes and noes were ordered and taken, resulting as follows:

Those who voted in the affirmative were: Senators Briscoe, Cadwallader, Coffey, Comstock, Davenport, Davis, Fowler, Garrigus, Grubbs, Harris, Heilman, Kahlo, Kent, Langdon, Menzies, Mercer, Olds, Peterson, Poindexter, Ragan, Reeve, Reiley, Sarnighausen, Shaffer, Shirk, Smith, Tarlton, Taylor, Treat, Trusler, Viehe, Wilson and Winterbotham—33.

Those who voted in the negative were: Senators Benz, Burrell, Inham, Hart, Hefron, Kramer and Major—7.

The bill passed.

The title was then read and ordered by the Senate to stand approved.

Senate Bill No. 176, legalizing the acts of the board of trustees of the town of Jasper, Dubois county, was taken up and read the second time.

The question being, shall the bill pass?

The ayes and noes were ordered and taken, resulting as follows:

Those who voted in the affirmative were: Senators Benz, Briscoe, Burrell, Cadwallader, Coffey, Comstock, Davenport, Davis, Donahue, Fowler, Garrigus, Grubbs, Hart, Hefron, Heilman, Kent, Kramer, Leeper, Major, Menzies, Mercer, Moore, Olds, Peterson, Poindexter, Reiley, Sarnighausen, Shaffer, Shirk, Smith, Tarlton, Taylor, Trusler, Viehe and Winterbotham—36.

Senator Ragan voting in the negative.

The bill passed.

The title was then read and ordered by the Senate to stand approved.

Senate Bill No. 258, legalizing the acts of the board of commissioners of Allen county, and the acts of the common council of Port Wayne, etc., was taken up and read the third time.

The question being, shall the bill pass?

The ayes and noes were ordered and taken, resulting as follows:

Those who voted in the affirmative were: Senators Benz, Briscoe, Cadwallader, Coffey, Comstock, Davenport, Davis, Fowler, Garrigus, Grubbs, Hart, Hefron, Heilman, Kahlo, Kent, Kramer, Langdon, Leeper, Major, Mercer, Moore, Olds, Peterson, Poindexter, Reiley, Sarnighausen, Shaffer, Shirk, Smith, Tarlton, Taylor, Trusler, Viehe, Weir and Winterbotham—36.

Those who voted in the negative were: Senators Burrell and Ragan—2.

The bill passed.

The title was then read and ordered by the Senate to stand approved.

Senate Bill No. 271, entitled "An act enlarging the jurisdiction of

mayors of cities and justices of the peace in criminal cases," etc., was taken up and read the third time.

The question being, shall the bill pass?

Mr. Benz made an ineffectual demand for the previous question.

The question recurring on the passage of the bill.

The ayes and noes were ordered and taken, resulting as follows:

Those who voted in the affirmative were: Senators Benz, Briscoe, Cadwallader, Comstock, Davenport, Davis, Foster, Harris, Hart, Hefron, Heilman, Kramer, Langdon, Leeper, Menzies, Mercer, Poindexter, Ragan, Reiley, Shaffer, Shirk, Taylor, Treat, Trusler, Urmstan, Weir and Wilson—27.

Those who voted in the negative were: Senators Burrell, Coffey, Donham, Fowler, Garrigus, Grubbs, Kent, Major, Moore, Olds, Peterson, Ragan, Sarnighausen, Smith, Streight, Tarlton, Traylor, Viehe and Winterbotham—19.

The bill passed.

The title was then read and ordered by the Senate to stand approved.

Mr. Langdon presented the claim of George A. Osborne.

Which was referred to the committee on claims without reading.

Senate Bill No. 267, entitled "An act to amend section 1 of an act entitled an act to amend sections 550 and 551 of the practice act", was taken up and read the third time.

The question being, shall the bill pass?

The ayes and noes were ordered and taken, resulting as follows:

Those who voted in the affirmative were: Senators Benz, Briscoe, Cadwallader, Coffey, Comstock, Davenport, Davis, Donham, Fowler, Garrigus, Grubbs, Hefron, Heilman, Kent, Kramer, Langdon, Leeper, Major, Menzies, Mercer, Moore, Olds, Peterson, Poindexter, Ragan, Reiley, Sarnighausen, Shaffer, Shirk, Streight, Taylor, Traylor, Treat, Trusler, Urmstan, Viehe, Weir, Wilson and Winterbotham—39.

Those who voted in the negative were: Senators Burrell, Foster, Hart, Reeve and Tarlton—5.

The bill passed.

The title was then read and ordered by the Senate to stand approved.

Mr. Menzies offered the following resolution:

WHEREAS, The laws relating to insurance companies doing business in the State of Indiana are not well understood, and in many respects contradictory; and,

WHEREAS, The subject is of such variety and importance that there is not time at any session to prepare and properly consider any effective law; and,

WHEREAS, It is desirable that the present laws be presented and this provision explained, and defects and deficiencies be corrected; therefore be it

Resolved by the General Assembly of the State of Indiana, That the Governor of the State of Indiana appoint some suitable person versed in the law of insurance to codify the existing laws, and also to prepare a bill covering the entire subject of insurance: Providing, That the expense of such codification shall not exceed one hundred dollars.

Which was read and referred to the committee on insurance.

Mr. Winterbotham presented a memorial and claim of Charles Eppinghausen.

Which was referred to the committee on claims without reading.

The Senate adjourned.

AFTERNOON SESSION.

FEBRUARY 28, 1879.

The Senate reassembled at 2 o'clock, P. M., Lieutenant-Governor Gray in the chair.

Senate Bill No. 196, entitled "An act to regulate the tolls on plank, macadamized and gravel roads," etc., was taken up and read the third time.

The question being, shall the bill pass?

The ayes and noes being ordered and taken resulted as follows:

Those who voted in the affirmative were: Senators Benz, Briscoe, Coffey, Davenport, Davis, Donham, Foster, Hart, Hefron, Heilman, Kahlo, Kent, Langdon, Mercer, Moore, Olds, Peterson, Poindexter, Ragan, Shaffer, Shirk, Streight, Taylor, Treat, Urmstan, Weir, Wilson and Winterbotham—28.

Those who voted in the negative were: Senators Burrell, Cadwallader, Comstock, Dice, Fowler, Harris, Kramer, Major, Menzies, Reeve, Reiley, Sarnighausen, Tarlton, Traylor, Trusler, Viehe and Wood—17.

The bill passed.

The title was then read and ordered by the Senate to stand approved.

Senate Bill No. 297, entitled "An act to abolish the office of State Geologist, providing for the transfer of all apparatus, specimens and property to the State Board of Agriculture," was taken up and read the third time.

The question being, shall the bill pass?

The ayes and noes were ordered and taken, resulting as follows:

Those who voted in the affirmative were: Senators Benz, Briscoe, Burrell, Coffey, Foster, Fowler, Hart, Hefron, Kent, Kramer, Leeper, Major, Mercer, Olds, Reiley, Sarnighausen, Shirk, Traylor, Trusler, Wilson, Winterbotham, Wood and Woollen—23.

Those who voted in the negative were: Senators Cadwallader, Davenport, Davis, Dice, Donham, Garrigus, Grubbs, Heilman, Kahlo, Moore, Peterson, Poindexter, Ragan, Reeve, Shaffer, Smith, Tarlton, Taylor, Treat, Urmstan, Viehe and Weir—22.

The bill failed to pass.

Senate Bill No. 308, in relation to the uniform assessment of property, was taken up and read the third time.

The question being, shall the bill pass?

The ayes and noes were ordered and taken resulting as follows:

Those who voted in the affirmative were: Senators Benz, Briscoe, Cadwallader, Coffey, Comstock, Davenport, Dice, Donham, Foster, Fowler, Grubbs, Hart, Heilman, Kahlo, Kramer, Major, Menzies, Mercer, Moore, Olds, Peterson, Poindexter, Ragan, Reiley, Shirk, Smith, Streight, Tarlton, Taylor, Traylor, Treat, Trusler, Wilson and Wood—34.

Those who voted in the negative were: Senators Burrell, Hefron, Kent, Leeper, Reeve, Sarnighausen, Shaffer, Urmstan, Viehe and Winterbotham—10.

The bill passed.

The title of the bill was then read and ordered by the Senate to stand approved.

The following message was received from the House by the Clerk thereof:

MR. PRESIDENT:

I am directed by the Speaker of the House of Representatives to inform the Senate that the House has passed engrossed House bill No. 637, entitled "An act providing means for the construction of the new State House, levying a tax for the new State House fund, authorizing a loan to supply the general fund, and declaring an emergency."

And the same is herewith transmitted to the Senate for its action thereon.

Senate Bill No. 325, entitled "An act to amend the thirteenth section of an act entitled an act granting the citizens of the town of Evansville, Vanderburgh county, a city charter," etc., was taken up and read the third time.

The question being, shall the bill pass?

The ayes and noes were ordered and taken, resulting as follows:

Those who voted in the affirmative were: Senators Benz, Briscoe, Burrell, Cadwallader, Coffey, Comstock, Davenport, Dice, Donham, Foster, Fowler, Garrigus, Grubbs, Hart, Heilman, Kahlo, Kent, Kramer, Leeper, Major, Menzies, Mercer, Moore, Olds, Peterson, Poindexter, Ragan, Reiley, Shaffer, Shirk, Smith, Streight, Tarlton, Taylor, Traylor, Treat, Trusler, Urmstan, Wilson and Wood—40.

Those who voted in the negative were: Senators Hefron, Reeve and Winterbotham—3.

The bill passed.

The title was then read, and ordered by the Senate to stand approved.

Senate Bill No. 381, entitled "An act providing for legal and official printing in newspapers," was taken up and read the third time.

The question being, shall the bill pass?

The ayes and noes were ordered and taken, resulting as follows:

Those who voted in the affirmative were: Senators Benz, Briscoe, Burrell, Cadwallader, Coffey, Comstock, Davenport, Dice, Donham, Foster, Fowler, Grubbs, Hart, Heilman, Kent, Kramer, Leeper, Major, Mercer, Moore, Olds, Peterson, Poindexter, Ragan, Reiley, Shaffer, Shirk, Smith, Streight, Tarlton, Traylor, Treat, Trusler, Urmstan, Weir, Wilson, Winterbotham and Wood—38.

Senator Taylor voting in the negative.

The bill passed.

The title was then read and ordered by the Senate to stand approved.

Senate Bill No. 390, entitled "An act to prevent live stock running at large," etc., was taken up and read the third time.

The question being, shall the bill pass?

The ayes and noes were ordered and taken, resulting as follows:

Those who voted in the affirmative were: Senators Cadwallader, Davenport, Garrigus, Kent, Moore, Olds, Peterson, Poindexter, Ragan, Reeve, Shaffer, Shirk, Streight, Tarlton, Trusler, Weir and Wilson—17.

Those who voted in the negative were; Senators Benz, Briscoe, Burrell, Coffey, Comstock, Dice, Donham, Foster, Fowler, Grubbs, Heilman, Kahlo, Leeper, Major, Mercer, Reiley, Smith, Taylor, Traylor, Treat, Urmstan, Winterbotham and Wood—23.

The bill failed to pass.

Mr. Streight moved to suspend the regular order and take up House Bill No. 637, entitled "An act providing means for the erection of a new State House."

Mr. Reeve moved to amend by proceeding with the regular order. Which was rejected.

The motion to take up House Bill No. 637 was agreed to.

The bill was read the first time and referred to the committee on finance.

On motion of Mr. Briscoe, the regular order was suspended, and Senate Bill No. 424, relating to fees and salaries, was taken up and read the first time.

Mr. Reeve moved that the bill and all other bills on the same subject be set down as the special order for Tuesday next at 9 o'clock.

Mr. Briscoe moved to amend by inserting to-morrow at 9 o'clock. Which was rejected.

The motion of Mr. Reeve was then agreed to.

Leave of absence was asked and obtained for Mr. Dice until Monday noon, and for Mr. Comstock for to-morrow afternoon.

On motion of Mr. Reeve Senate Bills Nos. 84 and 278, regulating the practice of medicine, were set down as the special order for to-morrow at 9 o'clock.

Mr. Kent moved that House Bill No. 55, legalizing the acts of the board of commissioners of Clinton county, etc., be taken up.

Which was agreed to.

House Bill No. 55 was then taken up and read the second time with the report of the committee recommending its passage.

Which was concurred in.

Mr. Foster moved to take up House Bill No. 58.

Mr. Comstock moved to amend by taking up Senate Bills on second reading.

Pending the motion the Senate adjourned.

(Approved.)

ISAAC P. GRAY,
President of the Senate.

SATURDAY MORNING.

MARCH 1, 1879.

The Senate met at 9 o'clock, A. M. Lieutenant-Governor Gray in the chair.

The Journal of yesterday was being read, when on motion of Mr. Benz the further reading of the same was dispensed with.

Mr. Wilson presented a petition from citizens of Jefferson county, Indiana, praying for the reduction of tolls on all turnpike roads.

Which was referred to the committee on roads without reading.

Also, a petition from the same county, asking that the office of county superintendent be abolished.

Which was referred to the committee on education without reading.

Mr. Streight moved to take up Senate Bill No. 386, entitled "An act to provide for the care and custody of orphan and abandoned children," etc.

Mr. Reeve moved to lay the motion of Mr. Streight on the table.

The question being on the motion to lie on the table.

The ayes and noes were demanded by Messrs. Streight and Shirk. Which being ordered and taken resulted as follows:

Those who voted in the affirmative were: Senators Benz, Briscoe, Burrell, Coffey, Comstock, Donham, Grubbs, Hart, Heilman, Kahlo, Kramer, Leeper, Major, Moore, Peterson, Ragan, Reeve, Reiley, Sarnighausen, Shaffer, Tarlton, Taylor, Traylor, Treat, Trusler, Urmstan, Viehe, Weir, Wilson, Winterbotham and Woollen—31.

Those who voted in the negative were: Senators Cadwallader, Davenport, Foster, Kent, Poindexter, Shirk, Smith and Streight—8.

The motion was adopted.

The Chair announced the special order, being the consideration of Senate bills Nos. 278 and 84, "acts regulating the practice of medicine and surgery," etc.

Mr. Streight moved to suspend the special order.

The question being on the motion to suspend the special order.

The ayes and noes were demanded by Messrs. Streight and Fowler.

Which being ordered and taken, resulted as follows:

Those who voted in the affirmative were: Senators Briscoe, Coffey, Donham, Foster, Kramer, Langdon, Ragan, Shirk, Smith, Streight, Tarlton, Taylor, Treat, Trusler, Viehe, Weir and Wilson—17.

Those who voted in the negative were: Senators Benz, Burrell, Cadwallader, Comstock, Davenport, Fowler, Grubbs, Harris, Hart, Heilman, Kahlo, Kent, Leeper, Major, Mercer, Moore, Olds, Peterson, Reeve, Reiley, Sarnighausen, Shaffer, Traylor, Urmstan, Winterbotham, Wood and Woollen—27.

The motion to suspend was rejected.

Mr. Woollen offered the following resolution:

Resolved, That the special committee to investigate the books, papers and affairs of the benevolent and reformatory institutions be

empowered to employ a short-hand reporter to take down evidence before said committee.

Which was adopted.

Senate Bill No. 84 was taken up and read the second time with the report of the committee recommending its passage.

Which was concurred in.

Mr. Menzies moved that the bill be considered by sections.

Which was agreed to.

Senate Bill No. 278 was then read the second time.

Mr. Reeve moved to consider Senate Bill No. 278 first.

Mr. Leeper presented the claim of William M. Whitten for \$24.

Which was referred to the committee on claims without reading.

Mr. Foster presented a petition from citizens of Allen county, Indiana, protesting against the passage of the bill providing for the remodeling of the road laws.

Which was referred to the committee on the judiciary without reading.

Mr. Coffey presented a petition from the Horse Thief Detective Union of Bartholomew county, Indiana, asking that a charter be granted to the Horse Thief Detective Union of the State of Indiana, and that such laws be enacted as are necessary for the regulation and government of said organization.

Which was referred to the committee on rights and privileges without reading.

Mr. Fowler moved that Senate Bill No. 278 be indefinitely postponed.

Mr. Streight moved that Senate Bills Nos. 84 and 278 be referred to a special committee of three, with instructions to report Monday morning.

Which was agreed to.

The chair announced as such special committee Senators Reiley, Mercer and Peterson.

Mr. Burrell moved to take up House and Senate bills on second reading.

Which was agreed to.

Mr. Harris, from the committee on the judiciary, reported engrossed House Bill No. 24, entitled "An act regulating the indebted-

edness of cities having a voting population of over a thousand," with the report of the committee, recommending its passage.

Which was placed on file without reading.

Engrossed House Bill No. 9, entitled "An act to regulate the setting of corner stones in public highways," etc., was taken up and read the second time, with the report of the committee recommending that it be indefinitely postponed.

Which was concurred in.

The following message was received from the House by the clerk thereof:

MR. PRESIDENT:

I am directed by the Speaker of the House to inform the Senate that the House has passed House Joint Resolution No. 2, entitled "A joint resolution in regard to certain claims of the citizens of the State of Indiana," and the same is herewith transmitted to the Senate for its action thereon.

Engrossed House Bill No. 12, entitled "An act to legalize the incorporation of the town of Seymour, Jackson county, Indiana," etc., was read the second time, with the report of the committee recommending its passage.

Which was concurred in.

Mr. Foster offered the following amendment:

Amend as follows: "And all other towns."

Which was rejected.

Engrossed House Bill No. 14, entitled "An act to amend section 1 of an act entitled an act to provide for the incorporation of any public or private cemetery," etc., was taken up and read the second time, with the report of the committee recommending its passage.

The report of the committee was concurred in.

Mr. Sarnighausen moved for leave of absence for Mr. Wood till Monday.

The question being on granting the leave of absence.

The ayes and noes were demanded by Messrs. Winterbotham and Foster.

Which being ordered and taken, resulted as follows:

Those who voted in the affirmative were: Senators Briscoe, Cadwallader, Davenport, Davis, Fowler, Grubbs, Harris, Hart, Hefron, Heilman, Kahlo, Kent, Kramer, Langdon, Major, Menzies,

Mercer, Moore, Olds, Peterson, Poindexter, Ragan, Reiley, Sarnighausen, Shaffer, Shirk, Smith, Taylor, Traylor, Treat, Trusler, Urmstan, Viehe, Weir, Wilson and Woollen—36.

Those who voted in the negative were: Senators Benz, Burrell, Foster, Reeve and Winterbotham—5.

Leave of absence was granted.

Leave of absence was asked for Mr. Briscoe until Monday.

The question being on granting the leave of absence.

The ayes and noes were demanded by Messrs. Foster and Benz.

Which being ordered and taken resulted as follows:

Those who voted in the affirmative were: Senators Benz, Briscoe, Cadwallader, Coffey, Comstock, Davenport, Davis, Donham, Fowler, Grubbs, Hefron, Heilman, Kahlo, Kent, Kramer, Langdon, Leeper, Major, Menzies, Mercer, Moore, Olds, Peterson, Poindexter, Reiley, Sarnighausen, Shaffer, Shirk, Smith, Streight, Taylor, Treat, Trusler, Viehe, Weir, Wilson and Woollen—37.

Those who voted in the negative were: Senators Burrell, Foster, Ragan, Reeve, Taylor, Traylor and Winterbotham—7.

Leave of absence was granted.

Mr. Benz moved that the whole Senate have leave of absence until Monday week, at 2 o'clock, P. M.

Which was agreed to.

Mr. Shirk offered the following resolution:

WHEREAS, The Superintendent of the Women's Reformatory of the State of Indiana has been notified that the committee of both Houses of the General Assembly of the State of Ohio, of the Reformed Schools, and also of the State Board of Charities of said State, will visit the city of Indianapolis on Monday next at 5:55 P. M., for the purpose of visiting the Benevolent and Reformatory Institutions of this State. Therefore, be it

Resolved by the Senate (the House of Representatives concurring therein), That a committee of three be appointed by the Senate as a committee of reception, to act in conjunction with a like committee of the House, to receive the Honorable members of the General Assembly of our sister State and extend to them the hospitalities of our State.

Which was adopted.

Engrossed House Bill No. 15, entitled "An act to legalize the election held in the year 1877, in the town of Edinburg, Johnson

county, Indiana, and to legalize the official acts of the board of trustees of said town," etc., was taken up and read the second time, with the report of the committee recommending its passage.

Which was concurred in.

The following message was received from the House, by the Clerk thereof:

MR. PRESIDENT:

I am directed by the Speaker of the House to inform the Senate that he has signed enrolled Senate act No. 58, entitled "An act concerning prisoners in jail."

Also, I am directed by the Speaker of the House to inform the Senate that the House has passed enrolled House bill No. 244, entitled "A bill fixing the fees, salaries, duties and compensation of the officers and persons therein named," etc., and the same is herewith transmitted to the Senate for its action thereon.

Engrossed House Bill No. 35, entitled "An act to amend section 64 of an act touching justices of the peace," etc.

Was taken up and read the second time with the report of the committee recommending its indefinite postponement.

The question being on concurring in the report of the committee.

Mr. Fowler demanded the previous question.

Which was seconded by the Senate.

The main question was ordered.

The question being on concurring in the report of the committee.

The ayes and noes were demanded by Messrs. Foster and Trusler.

Which being ordered and taken, resulted as follows:

Those who voted in the affirmative were: Senators Burrell, Briscoe, Coffey, Davenport, Davis, Fowler, Grubbs, Hefron, Heilman, Kent, Leeper, Major, Menzies, Moore, Olds, Reeve, Sarnighausen, Taylor, Traylor, Urmstan, Viehe, Wilson and Woollen—23.

Those who voted in the negative were: Senators Cadwallader, Comstock, Donham, Foster, Harris, Hart, Kramer, Langdon, Mercer, Peterson, Poindexter, Ragan, Reiley, Shaffer, Shirk. Smith, Streight, Tarlton, Treat, Trusler and Weir—21.

The report was concurred in.

The Senate adjourned.

AFTERNOON SESSION.

MARCH 1, 1879.

Senate reassembled at 2 o'clock, P. M. Lieutenant-Governor Gray in the chair.

On motion of Mr. Poindexter, Senate Bill No. 374, entitled "An act to alter and amend the charter of the town of Clarksville," etc., was taken up and read the second time, with the report of the committee recommending that it do lie on the table.

The question being on concurring in the report.

Mr. Poindexter offered the following amendment to the report of the committee:

I move to amend the report of the committee by striking out "recommendation to lie on the table," and insert the following: Strike out all after the enacting clause, and insert the following:

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That the terms of office of the present trustees of the town of Clarksville, who are acting under existing laws, shall expire on the first Monday in April, 1879, on which day an election shall be held within said town by the qualified voters thereof, residing within the bounds of said town, for five trustees of said town, who shall hold and continue in office for one year after their election, and until their successors are duly elected and qualified, which election shall be held annually on the first Monday of April of each year. The persons elected as trustees must be residents of Clarksville at the time of their election."

And when so amended recommend that the bill do pass.

Which was agreed to.

The report as amended was then concurred in and the bill ordered engrossed.

Mr. Viehe, from the committee on the judiciary, reported Senate Bill No. 442, entitled "An act supplemental to an act regulating general elections," etc.

The report of the committee was read and concurred in.

Mr. Viehe moved that the bill be considered engrossed, read a third time now and put upon its passage.

Which was agreed to.

Senate Bill No. 442 was read the third time.

The question being, shall the bill pass?

The ayes and noes were ordered and taken, resulting as follows:

Those who voted in the affirmative were: Senators Benz, Briscoe, Cadwallader, Coffey, Davenport, Davis, Donham, Foster, Fowler, Grubbs, Harris, Hart, Hefron, Heilman, Kahlo, Kent, Kramer, Langdon, Leeper, Major, Mercer, Moore, Olds, Peterson, Poindexter, Ragan, Reeve, Reiley, Sarnighausen, Shaffer, Shirk, Smith, Streight, Tarlton, Taylor, Traylor, Treat, Trusler, Urmstan, Viehe, Weir, Wilson, Winterbotham and Woollen—44.

No one voting in the negative.

The bill passed.

The title of the bill was read.

Mr. Viehe offered the following amendment as a substitute for the title:

"An act defining the time for holding general elections, and fixing the times at which certain acts connected therewith shall be done."

Which was adopted.

Mr. Streight moved that two hundred copies of Senate Bill No. 304, entitled "An act providing for a railroad commissioner, and prescribing his powers and duties," etc., be printed.

Which was agreed to.

Engrossed House Bill No. 24, entitled "An act regulating the indebtedness of counties having a voting population of over twenty thousand as shown by the last election for Governor," etc., was taken up and read the second time with the report of the committee recommending its passage.

Which was concurred in.

Engrossed House Bill No. 56, entitled "An act defining the twelfth and tenth judicial circuits of the State of Indiana," etc., was taken up and read the second time, with the report of the committee recommending its passage.

Which was concurred in.

The President announced as the committee to receive the committee on benevolent institutions of the Ohio General Assembly, Senators Shirk, Fowler and Streight.

Engrossed House Bill No. 122, entitled "An act supplemental to an act entitled an act to authorize cities and towns to negotiate and sell bonds to procure means with which to erect and complete unfinished school buildings," etc., was read the second time, with the report of the committee recommending its passage.

Which was concurred in.

Engrossed House Bill No. 228, entitled "An act to enable the Superintendent of Public Instruction and the auditor of Adams county to reopen the accounts of said county and the State," etc., was read the second time, with the report of the committee recommending its passage.

Which was concurred in.

Engrossed House Bill No. 303, entitled "An act to legalize the acts and proceedings of the board of trustees and other officers of the town of Tell City, in Perry county, Indiana," etc., was read the second time, with the report of the committee recommending its passage.

Which was concurred in.

Engrossed House Bill No. 493, entitled "An act to prevent breechy animals from running at large," etc., was taken up and read the second time, with the report of the committee recommending that the bill lie on the table.

Which was concurred in.

Mr. Reeve moved to take up Senate Bill No. 79, entitled "An act to secure more efficient work and material in performances of contracts for public works, and to prohibit officials from being in any manner interested therein, other than as an official," etc.

Which was rejected.

Senate Bill No. 46, entitled "An act concerning interest and usury," was being read, when on motion of Mr. Burrell the further reading of the same was dispensed with and the bill was laid on the table.

On motion of Mr. Cramer House Bill No. 48, entitled "An act to protect the people from empiricism and imposition in the practice of medicine," etc., was laid on the table without reading.

Senate Bill No. 55, entitled "An act to legalize the incorporation of the Kokomo Building Loan Fund and Savings Association, of Kokomo, Indiana," etc., was taken up and read the second time

with the report of the committee suggesting certain amendments, and when so amended recommending its passage.

Which was concurred in and the bill ordered engrossed.

Senate Bill No. 59, entitled "An act to amend section 22 of an act entitled an act for the incorporation of towns," etc., was read the second time, with the report of the committee recommending the passage of the bill, with amendments.

The question being on concurring in the report of the committee.

Mr. Traylor moved that the bill be indefinitely postponed.

Which was rejected.

The report of the committee was then concurred in.

Mr. Leeper offered the following amendment:

Amend by striking out the words: "The amount required by statutes of the State for license to sell or retail intoxicating liquors," in the seventh proviso, and inserting "fifty dollars."

The question being on the adoption of the amendment.

The ayes and noes were demanded by Messrs. Leeper and Shirk, which being ordered and taken resulted as follows:

Those who voted in the affirmative were: Senators Donham, Foster, Kent, Kramer, Leeper, Urmstan and Viehe—7.

Those who voted in the negative were: Senators Benz, Briscoe, Burrell, Cadwallader, Davenport, Grubbs, Harris, Heilman, Kahlo, Langdon, Menzies, Mercer, Moore, Olds, Poindexter, Reeve, Bailey, Shirk, Smith, Streight, Tarlton, Taylor, Traylor, Treat, Trusler, Weir and Wilson—27.

The amendment was rejected, and, on motion of Mr. Burrell, the bill was ordered engrossed.

Senate Bill No. 62, entitled "An act to amend section 2 of an act entitled an act to amend section 2 of an act to secure dues from private corporations," etc., was read the second time, with the report of the committee recommending its passage.

The report was concurred in and the bill ordered engrossed.

On motion of Mr. Harris Senate bill No. 63, entitled "An act to exempt property from sale in certain cases," etc., was laid on the table without reading.

Senate Bill No. 66, entitled "An act to provide clerks for judges of the supreme court and fixing the compensation of such clerks,"

was taken up, and the report of the committee recommending its indefinite postponement concurred in.

Senate Bill No. 68, entitled "An act concerning interest and usury," coming up.

Mr. Viehe moved that it be laid on the table.

Which was agreed to.

Mr. Kent moved to take up Senate Bill No. 333, entitled "An act in relation to the muzzling of dogs," etc.

Which was agreed to.

Senate Bill No. 333 was read the second time, with the report of the committee recommending its passage.

Which was concurred in.

Mr. Donham offered an amendment to the bill.

Which was adopted.

The bill as amended was then adopted and ordered engrossed.

Senate Bill No. 77, entitled "An act to amend section 354 of the practice act," was taken up with the report of the committee recommending its indefinite postponement.

Which was read and concurred in.

The following message was received from the House by the clerk thereof:

MR. PRESIDENT:

I am directed by the Speaker of the House to inform the Senate that the House has adopted Senate Joint Resolution No. 19, in relation to the members of the Ohio Legislature, and various officers of benevolent institutions of Ohio, visiting similar institutions in this State, and has appointed as a committee on part of the House to act in conjunction with the committee on the part of the Senate, Messrs. Herod, Briggs and Myers. And the same is hereby returned to the Senate.

Mr. Foster moved for leave to introduce a resolution.

The question being on the motion.

The ayes and noes were demanded by Messrs. Foster and Benz.

Which being ordered and taken resulted as follows:

Those who voted in the affirmative were: Senators Benz, Briscoe, Coffey, Davenport, Donham, Foster, Grubbs, Harris, Heilman, Kahlo, Kent, Kramer, Langdon, Major, Menzies, Mercer, Moore,

Olds, Reiley, Shirk, Streight, Tarlton, Taylor, Trusler, Weir and Wilson—26.

Those who voted in the negative were: Senators Burrell, Callwallader, Leeper, Reeve, Sarnighausen, Shaffer, Traylor, Viehe and Winterbotham—9.

The motion was agreed to.

Mr. Foster introduced the following concurrent resolution:

Resolved by the Senate (the House of Representatives concurring therein), That the special committee to investigate the books, papers and affairs of the benevolent and reformatory institutions be empowered to employ a short hand reporter to take down the evidence before said committee.

Which was adopted.

Senate Bill No. 78, entitled "An act to amend section 354 of the practice act," was read the second time, with the report of the committee recommending its passage.

Which was concurred in and the bill ordered engrossed.

Senate Bill No. 79, entitled "An act to secure more efficient work and material in performances of contracts for public works, and to prohibit officials from being in any manner interested therein other than as officials," etc., was read the second time, with the report of the committee recommending its passage.

Which was concurred in and the bill ordered engrossed.

On motion of Mr. Trusler Senate Bill No. 81, entitled "An act regulating the rights of married women and matters properly connected therewith," was laid on the table without reading.

On motion of Mr. Davenport Senate Bill No. 82, entitled "An act to amend section 17 of an act entitled an act fixing the fees, salaries, duties and compensation of officers and persons named therein," was laid on the table without reading.

Senate Bill No. 83, entitled "An act to amend section 9 of an act entitled an act providing for the duties and qualifications of justices of the peace," etc., was read the second time, with the report of the committee recommending its passage.

Which was concurred in and the bill ordered engrossed.

The Senate adjourned.

(Approved.)

ISAAC P. GRAY,
President of the Senate.

MONDAY MORNING.

MARCH 3, 1879.

Senate met at 9 o'clock A. M. Lieutenant-Governor Gray in the chair.

The Journal of yesterday was being read, when, on motion of Mr. Harris the same was corrected.

Mr. Reeve offered the following resolution:

Resolved, That the action of the Senate on Saturday last, on motion of Senator Benz, in granting leave of absence for the whole Senate until next Monday week at 2 o'clock P. M., was unconstitutional and not within the power conferred on the Senate, and that so much of the Journal as shows such action be expunged.

Which was adopted.

Mr. Leeper offered the following joint resolution:

Be it resolved by the General Assembly of the State of Indiana, That the Governor, Auditor and Secretary of State be authorized to appoint some suitable person to survey and plat certain land belonging to the State, reclaimed by the drainage of Beaver and English lake and the Kankakee river and the Calumet river.

The question being on the adoption of the resolution.

The ayes and noes were demanded and being taken, resulted as follows:

Those who voted in the affirmative were: Senators Benz, Burrell, Cadwallader, Comstock, Davenport, Donham, Foster, Grubbs, Harris, Hart, Kahlo, Kent, Kramer, Langdon, Leeper, Major, Menzies, Mercer, Moore, Olds, Reeve, Reiley, Sarnighausen, Shaffer, Shirk, Streight, Taylor, Traylor, Treat, Trusler, Urmstan, Viehe, Weir, Wilson, Winterbotham, Wood and Woollen—37.

No one voting in the negative.

The resolution was adopted.

Mr. Burrell offered the following concurrent resolution:

WHEREAS, Certain citizens of the State of Indiana have on file, in the office of the Governor of said State, claims and proofs tending to establish the same, made before the "Morgan Raid Commission;" and

WHEREAS, Some of said claims are supposed to be valid and legitimate against the government of the United States; and

WHEREAS, there is no law authorizing the Governor to surrender said claims to the owners thereof; therefore

Resolved by the Senate (the House of Representatives concurring therein), That the Governor be and he is hereby authorized to surrender to the owner any claim on file in his office, or in his custody, together with the evidence in support thereof (if any there be), filed with or made before the commissioners appointed by the Governor of said State in pursuance of concurrent resolutions of the Legislature passed March 11, 1867, on demand by such owner or his attorney, such owner or attorney, in his name, receipting therefor; and the Governor shall certify that copies of the claims and proofs left on file are full, true and complete copies of the same.

Which was adopted.

Mr. Fowler moved that House Bill No. 344, relating to fees and salaries, be read the first time.

Mr. Reeve moved to lay the motion of Mr. Fowler on the table.

The ayes and noes were demanded by Messrs. Foster and Reeve, which, being ordered and taken, resulted as follows:

Those who voted in the affirmative were: Senators Burrell, Donham, Olds, Reeve, Shaffer and Wilson—6.

Those who voted in the negative were: Senators Coffey, Comstock, Davenport, Davis, Foster, Fowler, Grubbs, Harris, Hart, Kahlo, Kent, Kramer, Leeper, Major, Menzies, Mercer, Moore, Ragan, Reiley, Sarnighausen, Shirk, Streight, Taylor, Traylor, Treat, Trusler, Urmstan, Viehe, Weir, Winterbotham, Wood and Woolen—32.

The motion was rejected.

The motion to take up House Bill No. 344, relating to fees and salaries, and the bill was read the first time.

Mr. Burrell moved to refer the bill to the committee on fees and salaries, with instructions to report to-morrow at 10 o'clock.

Which was agreed to.

Mr. Fowler moved that one hundred copies be printed.

Which was agreed to.

Mr. Streight moved to take up Senate Bill No. 386.

Mr. Reeve moved to amend by allowing the special committee on

Senate Bills 84 and 278, relating to the practice of medicine and surgery, to report:

Which was agreed to.

Mr. Reiley, from the special committee, reported Senate Bill No. 278, relating to the practice of medicine and surgery, with the report of the committee recommending its passage after certain amendments. Also a report on Senate Bill No. 84, on the same subject, recommending that it be indefinitely postponed.

The reports of the committee were concurred in.

Mr. Reeve moved that Senate Bill No. 278 be engrossed.

Mr. Viehe moved to lay the motion of Mr. Reeve on the table.

Which was agreed to.

Mr. Hefron offered the following:

"I move to strike out section 1."

Mr. Woollen offered the following amendment to the amendment offered by Mr. Hefron:

"I move to amend the amendment by striking out all of said section after the first line."

Mr. Coffey moved to indefinitely postpone the bill.

The ayes and noes were demanded by Messrs. Reeve and Shaffer, which being ordered and taken, resulted as follows:

Those who voted in the affirmative were: Senators Coffey, Davis, Donham, Foster, Fowler, Peterson, Shirk, Streight, Treat, Trusler and Wood—11.

Those who voted in the negative were; Senators Burrell, Cadwallader, Comstock, Davenport, Dice, Grubbs, Harris, Hart, Hefron, Kahlo, Kramer, Langdon, Leeper, Menzies, Mercer, Moore, Olds, Ragan, Reeve, Reiley, Sarnighausen, Shaffer, Tarlton, Taylor, Traylor, Urmstan, Viehe, Weir, Winterbotham and Woollen—30.

The motion was not agreed to.

Mr. Streight moved to substitute for the whole bill Senate Bill No. 149 on the same subject.

Which was rejected.

Mr. Burrell demanded the previous question.

Which was seconded by the Senate.

The main question being ordered, Messrs. Reeve and Shaffer demanded the ayes and noes, which being ordered and taken, resulted as follows:

Those who voted in the affirmative were: Senators Cadwallader, Donham, Foster, Fowler, Hart, Hefron, Kramer, Menzies, Moore, Peterson, Shirk, Streight, Tarlton, Traylor, Treat, Trusler, Wilson and Woollen—18.

Those who voted in the negative were: Senators Burrell, Comstock, Davenport, Davis, Dice, Grubbs, Harris, Kahlo, Langdon, Leeper, Mercer, Olds, Ragan, Reeve, Reiley, Sarnighausen, Shaffer, Taylor, Urmstan, Viehe, Weir, Winterbotham and Wood—23.

The motion to strike out was lost.

The amendment offered by Mr. Hefron was then rejected.

Section 1 was then adopted.

Pending the consideration of the second section, the Senate adjourned.

AFTERNOON SESSION.

MARCH 3, 1879.

The Senate reassembled at 2 o'clock P. M. Lieutenant-Governor Gray in the chair.

Mr. Streight moved that Senate Bill No. 278 be engrossed, and demanded the previous question.

Which was not seconded.

Mr. Traylor moved to lay the motion to engross on the table.

Messrs. Foster and Streight demanded the ayes and noes.

Which being ordered and taken resulted as follows:

Those who voted in the affirmative were: Senators Benz, Burrell, Cadwallader, Comstock, Davenport, Dice, Donham, Garrigus, Grubbs, Hart, Kahlo, Kramer, Leeper, Menzies, Olds, Ragan, Reeve, Sarnighausen, Shaffer, Tarlton, Taylor, Traylor, Urmstan and Woollen—24.

Those who voted in the negative were: Senators Coffey, Foster, Fowler, Harris, Hefron, Kent, Langdon, Mercer, Peterson, Poin-dexter, Shirk, Streight, Treat, Trusler, Viehe, Wilson and Wood—17.

The motion was agreed to.

Mr. Woollen offered the following amendment to section 2:

Amend section 2 by inserting at the close of the section the following: "*Provided*, That such person may carry on such business if he keeps a licensed employe to compound and deal out drugs and medicines for sale."

Which was agreed to.

Section 2 as amended was then adopted.

Mr. Streight moved that the bill be engrossed, and on that demanded the previous question.

The ayes and noes were demanded by Messrs. Streight and Shirk.

Which being ordered and taken, resulted as follows:

Those who voted in the affirmative were: Senators Benz, Burrell, Coffey, Dice, Foster, Fowler, Harris, Hefron, Kent, Mercer, Moore, Peterson, Poindexter, Reiley, Streight, Trusler, Viehe, Winterbotham and Woollen—19.

Those who voted in the negative were: Senators Cadwallader, Comstock, Davenport, Donham, Garrigus, Grubbs, Hart, Kahlo, Kramer, Langdon, Leeper, Menzies, Olds, Ragan, Reeve, Sarnighausen, Shaffer, Shirk, Tarlton, Taylor, Traylor, Treat, Urmstan, Weir, Wilson and Wood—26.

The previous question was not seconded.

The question recurring on the motion to engross.

Mr. Menzies moved to lay the motion on the table.

Messrs. Streight and Foster demanded the ayes and noes.

Which being ordered and taken resulted as follows:

Those who voted in the affirmative were: Senators Davenport, Dice, Donham, Grubbs, Hart, Kahlo, Kramer, Langdon, Leeper, Menzies, Mercer, Olds, Ragan, Reeve, Reiley, Sarnighausen, Shaffer, Tarlton, Taylor, Traylor, Treat, Urmstan, Winterbotham, Wood and Woollen—25.

Those who voted in the negative were: Senators Benz, Burrell, Cadwallader, Coffey, Comstock, Foster, Fowler, Garrigus, Harris, Hefron, Kent, Moore, Peterson, Poindexter, Shirk, Streight, Trusler, Viehe, Weir and Wilson—20.

The motion to lay on the table was agreed to.

Section 3 was then read.

Mr. Hefron offered the following amendment to the amendment of the committee:

I move to amend section 3, by striking out of line 3 the following words: "Less than two hundred dollars, nor exceeding," and insert in lieu thereof the following: "Not to exceed."

Which the chair held not to be in order.

Section 3 was then adopted.

Section 4 was then read.

Mr. Streight moved to strike out the fourth section, and demanded the previous question.

Which was seconded by the Senate.

The main question being ordered, and the question being on the motion to strike out.

It was not agreed to.

The question being on the adoption of section 4.

The ayes and noes were demanded by Messrs. Streight and Foster, which being ordered and taken, resulted as follows:

Those who voted in the affirmative were: Senators Burrell, Cadwallader, Comstock, Davenport, Fowler, Garrigus, Grubbs, Harris, Hart, Kahlo, Kent, Langdon, Leeper, Major, Menzies, Mercer, Moore, Olds, Peterson, Poindexter, Ragan, Reeve, Reiley, Sarnighausen, Shaffer, Taylor, Treat, Trusler, Urmstan, Winterbotham and Woollen—31.

Those who voted in the negative were: Senators Benz, Coffey, Dice, Donham, Foster, Hefron, Kramer, Shirk, Streight, Tarlton, Traylor, Viehe, Weir, Wilson and Wood—15.

Section 4 was adopted.

The following message was received from the House by the Clerk thereof:

MR. PRESIDENT:

I am directed by the Speaker of the House to inform the Senate that the House has passed Engrossed House Bill No. 288, "An act entitled an act to reglate the charges of railroad companies for the transportation of and handling of wheat, corn and flour, and fixing a maximum rate therefor, and prescribing the penalty for the violation of the provisions of this act, and declaring an emergency."

Also, Engrossed House Bill No. 310, entitled "An act to allow sheriffs and constables having a State warrant to follow the defendant into an adjoining county and make a legal arrest without hindrance."

Also, Engrossed House Bill No. 126, entitled "An act touching foreign corporations and providing that certain acts thereof shall work forfeitures."

Also Engrossed House Bill No. 401, entitled "An act to legalize the record of certain plats of lots annexed to the city of New Albany, Floyd county, Indiana, and the proceedings of the common council of said city in relation thereto, had previous to January 1, 1878."

Also, Engrossed House Bill No. 412, entitled "An act to amend section 397 of an act, approved June 18, 1852, entitled an act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases," etc.

Also, Engrossed House Bill No. 206, entitled "An act authorizing county commissioners to pay constables and marshals of incorporated towns certain expenses, and declaring an emergency."

Also, Engrossed House Bill No. 263, entitled "An act to amend an act entitled an act to amend section 1 of an act to provide for the protection of fish, and repealing all laws in conflict with the same, approved July 22, 1877."

Also, Engrossed House Bill No. 549, entitled "An act to amend an act entitled an act to provide for the more speedy trial of causes, and to facilitate the transaction of business in courts, to provide for judges to try causes and fix their compensation in certain cases there named, to authorize adjourned terms of court, and enlarge the jurisdiction in certain specified cases, repealing conflicting provisions in other acts and declaring an emergency, approved March 7, 1877, and declaring an emergency."

Also, engrossed House Bill No. 585, entitled "An act to vacate and sell a portion of the public square in the town of Fremont, Steuben county, Indiana."

Also, engrossed House Bill No. 487, entitled "An act for the vacation of public squares in certain cases, and providing for the disposition of lands composing said squares in case of vacation."

Also, engrossed House Bill No. 488, entitled "An act to amend section 569 of an act entitled an act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases," etc.

Also, engrossed House Bill No. 625, entitled "An act to amend the first and second sections of an act entitled an act giving the employes of corporations a lien for their work and labor upon the

corporate property of such corporation and the earnings thereof, together with the mode of enforcing the same, and repealing all laws in conflict therewith, approved March 13, 1877."

Also, I am further directed by the Speaker to inform the Senate that the House has passed engrossed Senate Bill No. 379, entitled "An act legalizing an annexation of platted territory to the city of Logansport by resolution of the common council of May 5, 1870, and the annexation to said city of contiguous territory by proceedings before the board of commissioners of Cass county of June 30, 1870, and establishing the limits of the city of Logansport."

Also, Engrossed Senate Bill No. 209, entitled "An act to authorize appeals from boards of commissioners of a county in case of the location or removal of county seats, to the circuit court, and from the circuit court to the supreme court of the State of Indiana, by persons aggrieved."

And the same are herewith returned to the Senate for its action thereon.

Mr. Streight moved to reconsider the vote by which the Senate agreed to take up the bill section by section.

Mr. Menzies moved to lay the motion on the table.

Messrs. Streight and Foster demanded the ayes and noes, which being ordered and taken resulted as follows:

Those who voted in the affirmative were: Senators Benz, Burrell, Cadwallader, Comstock, Davenport, Donham, Garrigus, Grubbs, Hart, Kahlo, Kramer, Langdon, Leeper, Menzies, Olds, Ragan, Reeve, Reiley, Sarnighausen, Shaffer, Tarlton, Taylor, Traylor, Treat, Urmstan, Weir, Winterbotham and Woollen—28.

Those who voted in the negative were; Senators Coffey, Dice, Foster, Fowler, Harris, Hebron, Kent, Major, Mercer, Moore, Peterson, Shirk, Streight, Trusler, Wilson and Wood—16.

The motion was laid on the table.

Mr. Menzies offered the following as a substitute for section 5 of the bill:

Sec. 5. The board of medical examiners named in this act shall be appointed in the following manner: The circuit judge of the most populous county in each congressional district in this State shall, upon the taking effect of this act, appoint five physicians of not less than ten years' practice in medicine, to be selected from the

various medical schools, who shall not be at the time of their appointment connected with any medical college, who shall constitute a board of medical examiners for such congressional district; the physician of the longest practice to be president, the physician longest in practice next to the president shall be treasurer, and the physician who is junior in practice shall be the secretary thereof. Such board shall assemble at least twice every year, at the most populous city or town in the district, at a place and time designated by the judge making the appointment, to examine all applicants in such congressional district, as hereinafter provided for. Each applicant applying for a certificate of qualification under this act shall first pay to the treasurer of such board a fee of ten dollars, which shall be all the compensation received by such board. All fees paid under the provisions of this section shall be by the treasurer of the board equally divided among the members thereof. The president of each board of medical examiners may call the members thereof together on written notice whenever, in his opinion, the same be necessary. A majority of said board may act. They shall take an oath to faithfully discharge their duties to the best of their ability, to be administered by the clerk of the circuit court in the county in which they meet. The first two physicians named in the appointment of the judge making the same shall hold their office for two years, and the next three physicians named in such appointment shall hold their office for three years next ensuing after the taking effect of their office; and thereafter every physician appointed as a member of a board of medical examiners shall hold his office for four years from the date of his appointment: *Provided*, In case of any vacancy on any board of medical examiners, by death, resignation, removal or other cause, such vacancy shall be filled by the proper circuit judge for the unexpired term thereof, in the manner provided in this act.

Mr. Dice moved that debate now cease.

Which was agreed to.

The question being on the adoption of the substitute.

The ayes and noes were demanded by Messrs. Reeve and Shaffer, which being ordered and taken, resulted as follows:

Those who voted in the affirmative were: Senators Burrell, Cadwallader, Comstock, Davis, Dice, Donham, Foster, Fowler, Garigus, Grubbs, Hart, Hefron, Kahlo, Kent, Langdon, Major, Men-

zies, Mercer, Moore, Olds, Peterson, Shirk, Streight, Tarlton, Traylor, Treat, Trusler, Urmstan, Viehe, Weir, Wilson and Woollen—32.

Those who voted in the negative were: Senators Benz, Davenport, Harris, Leeper, Poindexter, Ragan, Reeve, Reiley, Sarnighausen, Shaffer, Taylor and Winterbotham—12.

The substitute was adopted.

Mr. Streight moved to postpone further consideration of the bill until Saturday at 10 A. M.

Which was not agreed to.

Mr. Comstock offered the following amendment to section 6:

Amend section 6 by striking out the words "State capital," and inserting instead thereof the following, to-wit: "County seat of said county," and by striking out the words "State Librarian," in line 2 of said section, and inserting instead thereof the words, "board of county commissioners of said county," and by striking out the words "Secretary of State and," in the ninth line, and the words "the seal of the State," in the tenth line, and inserting instead thereof the words, "president and secretary of the board."

Which was adopted.

Mr. Urmstan offered the following amendment:

Amend section 6 by inserting after the word "chemistry," in line 6, the word "obstetrics."

Mr. Winterbotham moved to lay the amendment and bill on the table.

Messrs. Reeve and Shaffer demanded the ayes and noes.

Which, being ordered and taken, resulted as follows:

Those who voted in the affirmative were: Senators Benz, Burrell, Coffey, Davis, Donham, Foster, Fowler, Hefron, Kent, Major, Mercer, Peterson, Poindexter, Shirk, Streight, Trusler, Viehe, Weir, Wilson and Wood—20.

Those who voted in the negative were: Senators Cadwallader, Comstock, Davenport, Dice, Garrigus, Grubbs, Harris, Hart, Kahlo, Kramer, Langdon, Leeper, Menzies, Moore, Olds, Ragan, Reeve, Reiley, Sarnighausen, Shaffer, Tarlton, Taylor, Traylor, Treat, Urmstan, Winterbotham and Woollen—27.

The motion was not agreed to.

Mr. Streight moved that the bill be engrossed.

Messrs. Benz and Reeve demanded the ayes and noes, which being ordered and taken, resulted as follows:

Those who voted in the affirmative were: Senators Benz, Burrell, Coffey, Davis, Donham, Foster, Fowler, Hefron, Kent, Major, Peterson, Poindexter, Shaffer, Streight, Trusler, Viehe, Weir, Wilson, Winterbotham and Wood—20.

Those who voted in the negative were: Senators Cadwallader, Comstock, Davenport, Dice, Garrigus, Grubbs, Harris, Hart, Kahlo, Kramer, Langdon, Leeper, Menzies, Mercer, Moore, Olds, Ragan, Reeve, Reiley, Sarnighausen, Shaffer, Tarlton, Taylor, Traylor, Treat, Urmstan and Woollen—27.

The motion was rejected.

Mr. Burrell demanded the previous question.

Which was seconded by the Senate.

The main question being ordered, which was on the amendment offered by Mr. Urmstan.

It was rejected.

Section 6 was then adopted.

Mr. Hart offered the following amendment:

Amend section 7, in line four, by striking out after the word "practicing" all in said line to the word "shall."

Mr. Streight moved to strike out section 7.

Mr. Woollen offered the following substitute for section 7:

I move as a substitute for section 7 the following:

Any person violating the provisions of the fourth section of this act shall be deemed guilty of a misdemeanor, and on conviction shall be fined not less than fifty dollars for each offense, to which may be added imprisonment in the county jail sixty days.

The ayes and noes were demanded by Messrs. Reeve and Shaffer.

Which being ordered and taken, resulted as follows:

Those who voted in the affirmative were: Senators Cadwallader, Coffey, Davis, Dice, Donham, Fowler, Grubbs, Harris, Hart, Hefron, Kahlo, Kent, Kramer, Langdon, Major, Menzies, Mercer, Moore, Olds, Peterson, Ragan, Sarnighausen, Streight, Tarlton, Treat, Trusler, Wilson, Winterbotham and Wood—29.

Those who voted in the negative were: Senators Benz, Daven-

port, Foster, Garrigus, Reeve, Shaffer, Shirk, Taylor, Urmstan and Weir—10.

The substitute was adopted.

Mr. Streight moved that the bill be engrossed.

Messrs. Reeve and Dice demanded the ayes and noes.

Which being ordered and taken, resulted as follows :

Those who voted in the affirmative were: Senators Benz, Coffey, Foster, Fowler, Garrigus, Hefron, Kent, Major, Peterson, Shirk, Streight, Tarlton, Trusler, Viehe, Weir, Wilson and Wood—17.

Those who voted in the negative were: Senators Cadwallader, Comstock, Davenport, Davis, Dice, Donham, Grubbs, Harris, Hart, Kahlo, Kramer, Langdon, Menzies, Mercer, Moore, Olds, Poindexter, Ragan, Reeve, Reiley, Sarnighausen, Shaffer, Taylor, Traylor, Treat, Urmstan, Winterbotham and Woollen—28.

The motion was rejected.

Mr. Taylor offered the following amendment:

Amend section 8 by adding the following:

This act shall not be construed to make it unlawful for any person to prescribe and administer standard medicines to their own family.

Which was agreed to.

Section 8, as amended, was then adopted.

Section 9 was adopted.

Section 10 was adopted.

Section 11 was adopted.

Mr. Streight moved to strike out ten dollars and insert five dollars in section 12.

Mr. Foster moved to strike out the whole of section 12.

Which was adopted.

Section 13 was read.

Mr. Streight moved to strike out the word "intentional" in line 6.

Which was agreed to.

Mr. Menzies offered the following amendment to section 13:

Strike out the word "State" in line 8, and insert the word "board."

Which was agreed to.

Section 13 as amended was then adopted.

Section 14 was adopted.

Section 15 was adopted.

Mr. Garrigus moved the following amendment to section 16:

Amend section 16 by adding thereto "physicians of all schools of medicine shall have equal rights and privileges under this act in all respects."

Which was agreed to.

Section 16 as amended was then adopted.

Mr. Comstock offered the following amendment to section 17:

Amend section 17 by striking out the word "State" in the first line, and the word "library" in the second line, and inserting instead thereof the following, to-wit: "Clerk's office of the most populous county in said district."

Which was agreed to.

Mr. Sarnighausen offered the following amendment to section 17:

Amend section 17, lines 7 and 8, by striking out the words after "practice," in line 7, to the word "date," in line 8.

Which was agreed to.

Mr. Streight offered the following amendment to section 17:

Amend by adding to section 17: "*Provided further*, Each applicant shall file his photograph with said board so examining, to be kept for public inspection."

Which was rejected.

Section 17, as amended, was then adopted.

Mr. Urmstan offered the following amendment to section 18:

Amend section 18, by striking out the word "governor," in line 1, and insert the word "board."

Mr. Taylor offered the following substitute:

Amend section 18, line 1, by striking out the word "governor," and insert "judge of the most populous district in the congressional district."

Which was adopted.

Mr. Comstock offered the following:

Amend section 18 by striking out the word "governor," in the first line, and inserting instead thereof the following, to-wit: "Judge of the circuit court of said county."

Which was agreed to.

Mr Garrigus offered the following amendment:

Amend section 18 by adding thereto: "No person or physician shall be required to answer any question on examination not in accordance with the teachings of the school or system which he practices or proposes to practice; nor shall any certificate be refused because of the applicant's ideas of theory and practice."

Which was agreed to.

Section 18, as amended, was then adopted.

Mr. Woollen moved to strike out section 19.

Which was agreed to.

Section 20 was then adopted.

Mr. Woollen moved to insert "boards" for "board."

Which was agreed to.

Mr. Donham offered the following:

Amend the bill so that the bill will read as follows: "Each physician shall write his prescriptions in plain English, as far as possible, by the use of said English language; and, further, that all druggists or other persons selling or disposing of medicine in any manner, shall label the same in plain English.

Which was adopted.

The bill as a whole was then adopted and ordered engrossed.

The chair laid before the Senate the following communication from the Governor:

To the President of the Senate.

SIR: I have this day received and accepted the resignation of William Heilman as Senator in the General Assembly from the district constituted of Vanderburg county, to take effect from and after this date.

Respectfully,

JAMES D. WILLIAMS.

Mr. Burrell moved to take up House Bill No. 340 dividing the State into districts for the General Assembly, and that it be read the second time, and on this demanded the previous question.

The ayes and noes were demanded by Messrs. Harris and Kahlo, which being ordered and taken, resulted as follows:

Those who voted in the affirmative were: Senators Benz, Burrell, Coffey, Davis, Donham, Foster, Fowler, Hart, Hefron, Kent, Kramer, Leeper, Major, Menzies, Peterson, Reeve, Reiley,

Sarnighausen, Tarlton, Traylor, Urmstan, Winterbotham, Wood and Woollen—24.

Those who voted in the negative were: Senators Cadwallader, Comstock, Davenport, Dice, Garrigus, Grubbs, Harris, Kahlo, Langdon, Mercer, Olds, Poindexter, Ragan, Shaffer, Shirk, Streight, Taylor, Treat, Trusler, Weir and Wilson—21.

The previous question was seconded.

The main question being ordered on the motion to take up House Bill No. 340 it was agreed to.

Mr. Shirk obtained leave of absence for the committee appointed to wait on the Ohio Legislative committee until Wednesday.

Mr. Streight moved that the Senate adjourn.

The ayes and noes were demanded by Messrs. Menzies and Fowler, which being order and taken, resulted as follows:

Those who voted in the affirmative were: Senators Benz, Cadwallader, Comstock, Davenport, Dice, Garrigus, Grubbs, Harris, Mercer, Moore, Olds, Shaffer, Shirk, Streight, Taylor, Treat and Trusler—17.

Those who voted in the negative were: Senators Burrell, Coffey, Davis, Donham, Foster, Fowler, Hart, Hefron, Kahlo, Kent, Kramer, Langdon, Leeper, Major, Menzies, Peterson, Poindexter, Ragan, Reeve, Reiley, Sarnighausen, Tarlton, Traylor, Urmstan, Viehe, Weir, Wilson, Winterbotham, Wood and Woollen—30.

The motion was rejected.

House Bill No. 340 was then read the second time.

Mr. Davis offered an amendment.

Mr. Menzies moved the adoption of the amendment, and on that motion demanded the previous question.

The ayes and noes were demanded by Messrs. Harris and Benz. Which being ordered and taken resulted as follows:

Those who voted in the affirmative were: Senators Benz, Burrell, Coffey, Davis, Donham, Foster, Fowler, Hart, Hefron, Kent, Kramer, Leeper, Major, Menzies, Peterson, Reeve, Reiley, Sarnighausen, Tarlton, Traylor, Urmstan, Winterbotham, Wood and Woollen—24.

Those who voted in the negative were: Senators Cadwallader, Comstock, Davenport, Dice, Garrigus, Grubbs, Harris, Kahlo,

Langdon, Mercer, Olds, Poindexter, Ragan, Shaffer, Shirk, Streight, Taylor, Treat, Trusler, Weir and Wilson—21.

The previous question was seconded.

The main question was ordered.

The question being on the adoption of the motion offered by Mr. Menzies.

The ayes and noes were demanded by Messrs. Langdon and Dice.

Which being ordered and taken resulted as follows:

Those who voted in the affirmative were: Senators Benz, Burrell, Coffey, Davis, Donham, Foster, Fowler, Hart, Hefron, Kent, Kramer, Leeper, Major, Menzies, Peterson, Reeve, Reiler, Sarnighausen, Tarlton, Traylor, Urmstan, Winterbotham, Wood and Woollen—24.

Those who voted in the negative were: Senators Cadwallader, Comstock, Davenport, Dice, Garrigus, Grubbs, Harris, Kahlo, Langdon, Mercer, Olds, Poindexter, Ragan, Shaffer, Shirk, Streight, Taylor, Treat, Trusler, Weir and Wilson—21.

The motion was agreed to.

Mr. Menzies moved the bill be adopted as amended.

The ayes and noes were demanded by Messrs. Harris and Langdon.

Which being ordered and taken resulted as follows:

Those who voted in the affirmative were: Senators Benz, Burrell, Coffey, Davis, Donham, Foster, Fowler, Hart, Hefron, Kent, Kramer, Leeper, Major, Menzies, Peterson, Reeve, Reiley, Sarnighausen, Tarlton, Traylor, Urmstan, Winterbotham, Wood and Woollen—24.

Those who voted in the negative were: Senators Cadwallader, Comstock, Davenport, Dice, Garrigus, Grubbs, Harris, Kahlo, Langdon, Mercer, Olds, Poindexter, Ragan, Shaffer, Shirk, Streight, Taylor, Treat, Trusler, Weir and Wilson—21.

The bill as amended was adopted.

Mr. Menzies moved that the Senate now adjourn.

The ayes and noes were demanded by Messrs. Shaffer, Harris, Olds and Taylor.

Which being ordered and taken resulted as follows:

Those who voted in the affirmative were: Senators Cadwallader, Comstock, Davenport, Garrigus, Grubbs, Harris, Kahlo, Langdon,

Mercer, Olds, Ragan, Reeve, Shaffer, Shirk, Streight, Taylor, Urmstan and Weir—18.

Those who voted in the negative were: Senators Benz, Burrell, Coffey, Davis, Dice, Donham, Foster, Fowler, Hart, Hefron, Kent, Kramer, Leeper, Major, Menzies, Peterson, Poindexter, Reiley, Sarnighausen, Tarlton, Traylor, Treat, Trusler, Wilson, Winterbotham, Wood and Woollen—27.

The motion to adjourn was lost.

Mr. Menzies moved that the vote by which House Bill No. 340 was adopted be reconsidered, and that that motion lie on the table.

The ayes and noes were demanded by Messrs. Dice and Grubbs. Which being ordered and taken resulted as follows:

Those who voted in the affirmative were: Senators Benz, Burrell, Coffey, Davis, Donham, Foster, Fowler, Hart, Hefron, Kent, Kramer, Leeper, Major, Menzies, Peterson, Reeve, Reiley, Sarnighausen, Tarlton, Traylor, Urmstan, Winterbotham, Wood and Woollen—24.

Those who voted in the negative were: Senators Cadwallader, Comstock, Davenport, Dice, Garrigus, Grubbs, Harris, Kahlo, Langdon, Mercer, Olds, Poindexter, Ragan, Shaffer, Shirk, Streight, Taylor, Treat, Trusler, Weir and Wilson—21.

The motion was agreed to.

Mr. Coffey moved to reconsider the vote by which House Bill No. 9, relating to corner stones, was indefinitely postponed.

Which was agreed to.

Mr. Woollen, from the committee on public buildings, submitted a report.

Which was referred to the committee on finance without reading.

The following message was received from the House by the Clerk thereof:

MR. PRESIDENT:

I am directed by the Speaker of the House to inform the Senate that the House has passed Engrossed House Bill No. 560, "An act for the relief of John J. Justice, James Biddle, Edwin Trueblood, Archibald Justice, John Blake and Wilson Cory."

Also, Engrossed House Bill No. 466, "An act authorizing and empowering the boards of commissioners of the several counties of this State to make appropriations for the relief of the citizens of their respective counties in certain cases therein named."

Langdon, Mercer, Olds, Poindexter, Ragan, Shaffer, Shirk, Streight, Taylor, Treat, Trusler, Weir and Wilson—21.

The previous question was seconded.

The main question was ordered.

The question being on the adoption of the motion offered by Mr. Menzies.

The ayes and noes were demanded by Messrs. Langdon and Dice.

Which being ordered and taken resulted as follows:

Those who voted in the affirmative were: Senators Benz, Burrell, Coffey, Davis, Donham, Foster, Fowler, Hart, Hefron, Kent, Kramer, Leeper, Major, Menzies, Peterson, Reeve, Reiley, Sarnighausen, Tarlton, Traylor, Urmstan, Winterbotham, Wood and Woollen—24.

Those who voted in the negative were: Senators Cadwallader, Comstock, Davenport, Dice, Garrigus, Grubbs, Harris, Kahlo, Langdon, Mercer, Olds, Poindexter, Ragan, Shaffer, Shirk, Streight, Taylor, Treat, Trusler, Weir and Wilson—21.

The motion was agreed to.

Mr. Menzies moved the bill be adopted as amended.

The ayes and noes were demanded by Messrs. Harris and Langdon.

Which being ordered and taken resulted as follows:

Those who voted in the affirmative were: Senators Benz, Burrell, Coffey, Davis, Donham, Foster, Fowler, Hart, Hefron, Kent, Kramer, Leeper, Major, Menzies, Peterson, Reeve, Reiley, Sarnighausen, Tarlton, Traylor, Urmstan, Winterbotham, Wood and Woollen—24.

Those who voted in the negative were: Senators Cadwallader, Comstock, Davenport, Dice, Garrigus, Grubbs, Harris, Kahlo, Langdon, Mercer, Olds, Poindexter, Ragan, Shaffer, Shirk, Streight, Taylor, Treat, Trusler, Weir and Wilson—21.

The bill as amended was adopted.

Mr. Menzies moved that the Senate now adjourn.

The ayes and noes were demanded by Messrs. Shaffer, Harris, Olds and Taylor.

Which being ordered and taken resulted as follows:

Those who voted in the affirmative were: Senators Cadwallader, Comstock, Davenport, Garrigus, Grubbs, Harris, Kahlo, Langdon,

Mercer, Olds, Ragan, Reeve, Shaffer, Shirk, Streight, Taylor, Urmstan and Weir—18.

Those who voted in the negative were: Senators Benz, Burrell, Coffey, Davis, Dice, Donham, Foster, Fowler, Hart, Hefron, Kent, Kramer, Leeper, Major, Menzies, Peterson, Poindexter, Reiley, Sarnighausen, Tarlton, Traylor, Treat, Trusler, Wilson, Winterbotham, Wood and Woollen—27.

The motion to adjourn was lost.

Mr. Menzies moved that the vote by which House Bill No. 340 was adopted be reconsidered, and that that motion lie on the table.

The ayes and noes were demanded by Messrs. Dice and Grubbs. Which being ordered and taken resulted as follows:

Those who voted in the affirmative were: Senators Benz, Burrell, Coffey, Davis, Donham, Foster, Fowler, Hart, Hefron, Kent, Kramer, Leeper, Major, Menzies, Peterson, Reeve, Reiley, Sarnighausen, Tarlton, Traylor, Urmstan, Winterbotham, Wood and Woollen—24.

Those who voted in the negative were: Senators Cadwallader, Comstock, Davenport, Dice, Garrigus, Grubbs, Harris, Kahlo, Langdon, Mercer, Olds, Poindexter, Ragan, Shaffer, Shirk, Streight, Taylor, Treat, Trusler, Weir and Wilson—21.

The motion was agreed to.

Mr. Coffey moved to reconsider the vote by which House Bill No. 9, relating to corner stones, was indefinitely postponed.

Which was agreed to.

Mr. Woollen, from the committee on public buildings, submitted a report.

Which was referred to the committee on finance without reading.

The following message was received from the House by the Clerk thereof:

MR. PRESIDENT:

I am directed by the Speaker of the House to inform the Senate that the House has passed Engrossed House Bill No. 560, "An act for the relief of John J. Justice, James Biddle, Edwin Trueblood, Archibald Justice, John Blake and Wilson Cory."

Also, Engrossed House Bill No. 466, "An act authorizing and empowering the boards of commissioners of the several counties of this State to make appropriations for the relief of the citizens of their respective counties in certain cases therein named."

Also, Engrossed House Bill No. 290, "An act to provide for the regulation of the running at large of all kinds of animals within the different townships in the different counties of this State, and to provide for the taking up, impounding and selling of all such animals as shall not be allowed to run at large, approved May 31, 1852."

Also, Engrossed House Bill No. 367, "An act to limit the number and increasing the jurisdiction of justices of the peace."

Also, Engrossed House Bill No. 608, "An act for the relief of Aaron Combs, Byrd Combs, sureties upon the bond of Jefferson Oliphant, former trustee of Center township, Greene county, Indiana, and to authorize the proper officers to levy a sufficient tax to make up the deficit arising upon said trustee's defalcations, and for other matters connected therewith."

And the same are herewith transmitted to the Senate for its action thereon.

I am also further directed by the Speaker to inform the Senate that the House has passed Engrossed Senate Bill No. 60, entitled "An act to amend sections 6, 7, 44 and 45, of an act entitled an act to divide the State into circuits for judicial purposes, fixing the time of holding the courts therein, abolishing the courts of common pleas and transferring the business thereof to the circuit courts, and providing for the election of judges and prosecuting attorneys in certain cases, approved March 6, 1873, and providing for the transaction of business in the judicial circuit created by this act."

Also, Engrossed Senate Bill No. 184, entitled "An act to prevent the practice of resorting to distant courts to oppress the citizens of Indiana and deprive them of their rights under the statutes of Indiana."

And the same are herewith returned to the Senate for its action thereon.

Mr. Fowler, from the committee on railroads, reported Engrossed House Bill No. 17, entitled "An act to repeal an act entitled an act to authorize aid to the construction of railroads," etc., with the majority report of the committee recommending its indefinite postponement, and the minority report recommending that the bill be so amended as not to apply to companies organized but not completed.

Which was placed on file without reading.

Mr. Fowler, from the committee on railroads, reported Senate Bill No. 113, entitled "An act prohibiting townships, towns, cities

or counties from donating or voting money to or taking stock in any railroad, completed or in process of construction, or to be constructed," etc., with the majority report recommending its passage with amendments, and the minority report recommending its indefinite postponement.

Which was placed on file without reading.

Mr. Fowler, from the committee on benevolent institutions, reported Senate Bill No. 426, entitled "An act to amend section 3 of an act supplemental to an act concerning the organization and perpetuity of voluntary associations," etc., with the report of the committee recommending its passage.

Which was placed on file without reading.

Mr. Kent, from the committee on the judiciary, reported House Bill No. 168, entitled "An act authorizing cities and towns to issue bonds for the purpose of funding their indebtedness," etc., with the report of the committee recommending its passage.

Which was placed on file without reading.

Mr. Kent, from the committee on the judiciary, reported engrossed House Bill No. 59, entitled "An act providing for appeals from county commissioners," etc., with the report of the committee recommending its passage.

Which was placed on file without reading.

Mr. Kent, from the committee on the judiciary, reported engrossed House Bill No. 386, entitled "An act to exempt growing crops from sale on execution," with the majority report of the committee recommending its indefinite postponement, and the minority report recommending its passage.

Which was placed on file without reading.

Mr. Foster, from the committee on public printing, reported Senate Bill No. 435, entitled "An act to amend section 17 of an act entitled an act fixing the fees and salaries, duties and compensation of the officers and persons named therein," etc., with the report of the committee recommending its passage.

Which was placed on file without reading.

Mr. Peterson, from the committee on roads, reported Senate Bill No. 133, entitled "An act in relation to plank, macadamized and gravel and turnpike road companies, to prevent the opening of ways around toll gates," etc., with the report of the committee recommending that the bill do lie on the table.

Which was placed on file without reading.

Mr. Peterson, from the committee on roads, reported Engrossed House Bill No. 271, entitled "An act to amend sections 1, 2, 4 and 5 of an act entitled an act authorizing street or horse car railway companies to use state, county or township roads," etc., with the report of the committee recommending its passage.

Which was placed on file without reading.

Mr. Kramer, from the committee on county and township business, reported Senate Bill No. 406, entitled "An act to provide for the dissolution of city incorporations in cities of less than three thousand inhabitants in certain cases," with the report of the committee recommending that the bill do lie on the table.

Which was placed on file without reading.

Mr. Kramer, from the committee on county and township business, reported Senate Bill No. 53, entitled "An act to amend section 94 of an act to provide for a uniform assessment of property and the collection and return of taxes thereon," with the report of the committee recommending its passage.

Which was placed on file without reading.

Mr. Kramer, from the committee on county and township business, reported Senate Bill No. 409, entitled "An act to provide for the payment of semi-annual interest on county bonds," with the report of the committee recommending its indefinite postponement.

Which was placed on file without reading.

Mr. Kramer, from the committee on county and township business, reported Senate Bill No. 417, entitled "An act to authorize persons living in the State of Indiana to keep skiffs, boats and other water craft on the Ohio river," etc., with the report of the committee recommending that it lie on the table.

Which was placed on file without reading.

Mr. Kramer, from the committee on county and township business, reported engrossed House Bill No. 38, entitled "An act to amend section 6 of an act entitled an act concerning inclosures, trespassing animals and partition fences, approved June 4, 1852," with the report of the committee recommending its indefinite postponement.

Which was placed on file without reading.

Mr. Viehe, from the select committee, reported Senate Bill No. 428 entitled "An act to provide for the appointment of guardians, the management of wards' estates, and the settlement of decedents'

estates," etc., with the report of the committee recommending that it lie upon the table.

Which was placed on file without reading.

Mr. Viehe, from the committee on the judiciary, reported engrossed House Bill No. 132, entitled "An act providing for letters testamentary and letters of administration, with the report of the committee, recommending its passage."

Which was placed on file without reading.

Mr. Viehe, from the committee on the judiciary, reported Senate Bill No. 434, entitled "An act authorizing the licensing of county surveyors," with the report of the committee recommending that it be indefinitely postponed.

Which was placed on file without reading.

Mr. Viehe, from the committee on the judiciary, reported engrossed House Bill No. 498, entitled "An act to amend sections 65 and 66 of the act providing for settlements of estates," with the report of the committee recommending its passage, with amendments.

Which was placed on file without reading.

Mr. Reeve, from the committee on the judiciary, reported engrossed House Bill No. 174, entitled "An act to repeal section 2 of an act defining misdemeanors, commonly called the provoke law," with the report of the committee recommending its indefinite postponement.

Which was placed on file without reading.

Mr. Reeve, from the committee on the judiciary, reported engrossed House Bill No. 364, entitled "An act authorizing sheriffs to administer oaths in certain cases," with the report of the committee recommending its indefinite postponement.

Which was placed on file without reading.

Mr. Donham, from the committee on rights and privileges, reported Engrossed House Bill No. 261, entitled "An act in relation to fences and hedges along public highways," with the report of the committee recommending its passage.

Which was placed on file without reading.

Mr. Donham, from the committee on rights and privileges, reported Engrossed House Bill No. 455, entitled "An act to transfer to the United States the title of the State of Indiana to the Antie-

tam National Cemetery," etc., with the report of the committee recommending its passage.

Which was placed on file without reading.

Mr. Grubbs, from the committee on the judiciary, reported En-grossed House Bill No. 5, entitled "An act regulating the number of grand jurors," with the report of the committee recommending its passage.

Which was placed on file without reading.

Mr. Burrell, from the committee on the judiciary, reported Senate Bill No. 375, entitled "An act authorizing counties to adopt John T. Campbell's road system," with the report of the committee recommending its indefinite postponement.

Which was placed on file without reading.

Mr. Burrell, from the committee on the judiciary, reported Senate Bill No. 437, entitled "An act to amend section 455 of the practice act," with the report of the committee recommending its passage, with amendments.

Which was placed on file without reading.

Mr. Burrell, from the committee on the judiciary, reported a paper endorsed as Enrolled House Bill No. 88, entitled "An act defining vagrancy," etc., and suggesting that it contained no legislative action.

Which was placed on file without reading.

Mr. Burrell, from the committee on the judiciary, reported En-grossed House Bill No. 231, entitled "An act to legalize the incorporation of the town of Auburn, DeKalb county, Indiana," with the report of the committee recommending its passage.

Which was placed on file without reading.

Mr. Reiley, from the committee on public printing, reported Senate Bill No. 436, relating to a uniform assessment of property, with the report of the committee recommending its passage.

Which was placed on file without reading.

Mr. Reiley, from the committee on elections, reported Senate Bill No. 431, entitled "An act to amend section 29 of an act entitled an act to repeal all general laws now in force for the incorporation of cities," etc., with the report of the committee recommending its passage.

Which was placed on file without reading.

Mr. Reiley, from the committee on elections, reported Senate Bill No. 453, in relation to the election and appointment of supervisors, with the report of the committee recommending its passage.

Which was placed on file without reading.

Mr. Mercer, from the committee on rights and privileges, reported Senate Bill No. 430, entitled "An act in relation to the protection of wild game," with the report of the committee recommending its indefinite postponement.

Which was placed on file without reading.

Mr. Wood, from the committee on corporations, reported Senate Bill No. 427 regulating public warehouses," etc., with the report of the committee recommending its passage.

Which was placed on file without reading.

Mr. Urmstan, from the committee on fees and salaries, reported Senate Bill No. 438 relating to fees and salaries, with the report of the committee recommending that it be indefinitely postponed.

Which was placed on file without reading.

Mr. Urmstan, from the special committee, reported Senate Bill No. 439, entitled "An act providing for and fixing the length of time for which a stay of execution may be obtained on judgments for the recovery of money," etc., with the report of the committee recommending its passage.

Which was placed on file without reading.

Mr. Woollen, chairman of the Senate joint committee on public buildings, reported that the committee had investigated the condition of the buildings. That the Deaf and Dumb Asylum needed repair of stairway; the Reformatory needed sewerage; that the State House could be built under the contract and plans within the amount prescribed by law, etc.

Which was placed on file without reading.

Mr. Burrell, from the committee on the judiciary, reported the petition of citizens of Wabash county asking that House Bill No. 392, asking a more thorough military law, etc., recommending that the petition lie upon the table.

Which was placed on file without reading.

The Senate adjourned.

(Approved.)

ISAAC P. GRAY,
President of the Senate.

TUESDAY MORNING.

MARCH 4, 1879.

The Senate met at 10 o'clock A. M., Lieutenant-Governor Gray in the chair.

The Journal of yesterday was being read when, on motion of Mr. Menzies, the further reading of the same was dispensed with.

Mr. Burrell moved to take up House Bill No. 340, relating to the apportionment of the State for legislative purposes, and that it be read the third time and put on its passage, and demanded the previous question.

The ayes and noes on seconding the previous question were demanded by Messrs. Harris and Grubbs.

Which being ordered and taken resulted as follows:

Those who voted in the affirmative were: Senators Benz, Briscoe, Burrell, Coffey, Davis, Donham, Foster, Fowler, Hart, Hefron, Kent, Kramer, Leeper, Major, Menzies, Peterson, Reeve, Reiley, Sarnighausen, Traylor, Urmstan, Viehe, Winterbotham, Wood and Woollen—26.

Those who voted in the negative were: Senators Cadwallader, Comstock, Davenport, Dice, Garrigus, Grubbs, Harris, Kahlo, Langdon, Mercer, Moore, Olds, Poindexter, Ragan, Shaffer, Smith, Taylor, Treat, Trusler, Weir and Wilson—21.

The previous question was seconded.

The main question was ordered.

The question being on the motion to take up House Bill No. 340.

The ayes and noes were demanded by Messrs. Harris and Grubbs, which being ordered and taken resulted as follows:

Those who voted in the affirmative were: Senators Benz, Briscoe, Burrell, Coffey, Davis, Donham, Foster, Fowler, Hart, Hefron, Kent, Kramer, Leeper, Major, Menzies, Peterson, Reeve, Reiley, Sarnighausen, Tarlton, Traylor, Urmstan, Viehe, Winterbotham, Wood and Woollen—26.

Those who voted in the negative were: Senators Cadwallader, Comstock, Davenport, Dice, Garrigus, Grubbs, Harris, Kahlö, Langdon, Mercer, Moore, Olds, Poindexter, Ragan, Shaffer, Smith, Taylor, Treat, Trusler, Weir and Wilson—21.

The motion was agreed to.

House Bill No. 340 was then read the third time.

Mr. Burrell moved that the bill be put on its passage, and on that motion demanded the previous question.

The ayes and noes were demanded by Messrs. Harris and Grubbs, which being ordered and taken resulted as follows:

Those who voted in the affirmative were: Senators Benz, Briscoe, Burrell, Coffey, Davis, Donham, Foster, Fowler, Hart, Hefron, Kent, Kramer, Leeper, Major, Menzies, Peterson, Reeve, Reiley, Sarnighausen, Tarlton, Traylor, Urmstan, Viehe, Winterbotham, Wood and Woollen—26.

Those who voted in the negative were: Senators Cadwallader, Comstock, Davenport, Dice, Garrigus, Grubbs, Harris, Kahlo, Langdon, Mercer, Moore, Olds, Poindexter, Ragan, Shaffer, Smith, Taylor, Treat, Trusler, Weir and Wilson—21.

The previous question was seconded.

The main question was ordered.

The question now being, shall the bill pass?

The ayes and noes were ordered and taken, resulting as follows:

Those who voted in the affirmative were: Senators Benz, Briscoe, Burrell, Coffey, Davis, Donham, Foster, Fowler, Hart, Hefron, Kent, Kramer, Leeper, Major, Menzies, Peterson, Reeve, Reiley, Sarnighausen, Tarlton, Traylor, Urmstan, Viehe, Winterbotham, Wood and Woollen—26.

Those who voted in the negative were: Senators Cadwallader, Comstock, Davenport, Dice, Garrigus, Grubbs, Harris, Kahlo, Langdon, Mercer, Moore, Olds, Poindexter, Ragan, Shaffer, Smith, Taylor, Treat, Trusler, Weir and Wilson—21.

The bill passed.

The title was then read, and after striking out all referring to an emergency was ordered to stand approved.

Mr. Menzies moved to take up House Bill No. 112, in reference to the appointment of officers of the benevolent institutions, that it be put on its passage, and on that demanded the previous question.

Messrs. Harris and Langdon demanded the ayes and noes, which being ordered and taken, resulted as follows:

Those who voted in the affirmative were: Senators Benz, Briscoe, Burrell, Coffey, Davis, Donham, Foster, Fowler, Hart, Hefron, Kent, Kramer, Leeper, Major, Menzies, Peterson, Reiley, Sarnighausen, Tarlton, Traylor, Urmstan, Viehe, Winterbotham, Wood and Woollen—25.

Those who voted in the negative were: Senators Cadwallader, Comstock, Davenport, Dice, Garrigus, Grubbs, Harris, Kahlo, Langdon, Mercer, Moore, Olds, Poindexter, Ragan, Reeve, Shaffer, Shirk, Streight, Taylor, Treat, Trusler and Weir—22.

The previous question was seconded.

The main question was ordered.

The question being, shall the bill be taken up?

The ayes and noes were demanded by Messrs. Harris and Langdon, which being ordered and taken, resulted as follows:

Those who voted in the affirmative were: Senators Benz, Briscoe, Burrell, Coffey, Davis, Donham, Foster, Fowler, Hart, Hefron, Kent, Kramer, Leeper, Major, Menzies, Peterson, Reeve, Reiley, Sarnighausen, Tarlton, Traylor, Urmstan, Viehe, Winterbotham, Wood and Woollen—26.

Those who voted in the negative were: Senators Cadwallader, Comstock, Davenport, Dice, Garrigus, Grubbs, Harris, Kahlo, Langdon, Mercer, Moore, Olds, Poindexter, Ragan, Shaffer, Shirk, Smith, Streight, Taylor, Treat, Trusler, Weir and Wilson—23.

The motion was agreed to.

House Bill No. 112 was taken up and read the third time.

Mr. Menzies moved that the bill now be put upon its passage, and on that demanded the previous question.

Which was seconded by the Senate.

The question being, shall the bill pass?

The ayes and noes were ordered and taken, resulting as follows:

Those who voted in the affirmative were: Senators Benz, Briscoe, Burrell, Coffey, Davis, Donham, Foster, Fowler, Hart, Hefron, Kent, Kramer, Leeper, Major, Menzies, Peterson, Reeve, Reiley, Sarnighausen, Tarlton, Traylor, Urmstan, Viehe, Winterbotham, Wood and Woollen—26.

Those who voted in the negative were: Senators Cadwallader, Comstock, Davenport, Dice, Garrigus, Grubbs, Harris, Kahlo, Langdon, Mercer, Moore, Olds, Poindexter, Ragan, Shaffer, Shirk, Smith, Streight, Taylor, Treat, Trusler, Weir and Wilson—23.

The bill passed.

The title was then read and ordered by the Senate to stand approved.

Mr. Traylor moved to suspend the order of business and take up Senate Bill No. 313 legalizing legal printing in certain cases.

Which was agreed to.

The bill was then read the second time with the report of the committee recommending its passage.

Which was concurred in.

Mr. Traylor moved to suspend the constitutional rule, the bill be read the third time, considered engrossed and put upon its passage.

The question being on the motion to suspend the rule.

The ayes and noes were ordered and taken, resulting as follows:

Those who voted in the affirmative were: Senators Benz, Briscoe, Burrell, Coffey, Comstock, Davis, Dice, Donham, Foster, Garrigus, Grubbs, Hart, Hefron, Kahlo, Kent, Kramer, Langdon, Leeper, Major, Menzies, Mercer, Moore, Peterson, Poindexter, Reeve, Reiley, Sarnighausen, Shaffer, Streight, Tarlton, Taylor, Traylor, Trusler, Urmstan, Viehe, Wilson, Winterbotham, Wood and Woollen—39.

Those who voted in the negative were: Senators Cadwallader, Harris, Olds, Ragan, Shirk and Treat—6.

The rule was suspended.

Senate Bill No. 313 was then read the third time.

The question being, shall the bill pass?

The ayes and noes were ordered and taken, resulting as follows:

Those who voted in the affirmative were: Senators Benz, Briscoe, Burrell, Coffey, Comstock, Davenport, Davis, Dice, Donham, Foster, Garrigus, Grubbs, Hart, Hefron, Kahlo, Kent, Kramer, Langdon, Leeper, Major, Menzies, Mercer, Moore, Peterson, Poindexter, Reeve, Reiley, Sarnighausen, Shaffer, Smith, Streight, Tarlton, Taylor, Traylor, Trusler, Urmstan, Viehe, Weir, Wilson, Wood and Woollen—41.

Those who voted in the negative were: Senators Cadwallader, Olds, Ragan, Shirk and Treat—5.

The bill passed.

The title of the bill was then read and ordered by the Senate to stand approved.

Mr. Briscoe moved that Bill No. 424, on fees and salaries, be made the special order for 2 o'clock, P. M.

Which was agreed to.

The following message was received from the House by the Clerk thereof:

MR. PRESIDENT:

I am directed by the Speaker of the House to inform the Senate that he has signed Enrolled Senate act No. 209, entitled "An act to authorize appeals from boards of commissioners of a county in cases of the locating or removal of county seats to the circuit court, and from the circuit court to the supreme court of the State of Indiana, by persons aggrieved."

And the same is herewith returned to the Senate for the signature of the President thereof.

Mr. Dice moved to take up Senate Bill No. 392, entitled "An act legalizing the practice of circuit courts in certain cases."

Mr. Reeve moved that all bills for legalizing purposes be taken up.

Mr. Dice moved that the motion of Mr. Reeve be indefinitely postponed.

Which was agreed to.

The motion to take up Senate Bill No. 392 was then agreed to.

Senate Bill No. 392 was then read the second time, with the report of the committee recommending its indefinite postponement.

Mr. Dice moved to amend the report of the committee to read that it do pass.

Which was agreed to.

Mr. Dice moved to suspend the constitutional rule, consider the bill engrossed, that it be read the third time and put upon its passage.

The question being on the motion to suspend the rule.

The ayes and noes were ordered and taken, resulting as follows:

Those who voted in the affirmative were: Senators Briscoe, Burrell, Cadwallader, Coffey, Comstock, Davenport, Dice, Donham, Fowler, Garrigus, Grubbs, Hart, Hefron, Kahlo, Kent, Kramer, Langdon, Leeper, Major, Menzies, Mercer, Moore, Olds, Peterson, Poindexter, Reiley, Sarnighausen, Shaffer, Smith, Tarlton, Treat, Trusler, Urmstan, Weir, Wilson, Wood and Woollen—37.

No one voting in the negative.

The motion to suspend the rules was agreed to.

Senate Bill No. 392 was then read the third time.

The question being, shall the bill pass?

The ayes and noes were ordered and taken resulting as follows

Those who voted in the affirmative were: Senators Briscoe, Burrell, Cadwallader, Coffey, Comstock, Davenport, Dice, Donham, Garrigus, Grubbs, Harris, Hart, Hefron, Kahlo, Kent, Kramer, Langdon, Leeper, Major, Mercer, Moore, Olds, Peterson, Poindexter, Ragan, Sarnighausen, Shaffer, Shirk, Smith, Streight, Taylor, Traylor, Treat, Trusler, Urmstan, Weir, Wilson, Wood and Woollen—39.

No one voting in the negative.

The bill passed.

The title was then read and ordered by the Senate to stand approved.

Mr. Menzies moved to take up Senate Bill No. 423, relating to insurance companies.

Senate Bill No. 423 was then taken up.

Mr. Menzies moved to suspend the constitutional rule, and the bill be read the second and third times.

The ayes and noes were ordered and taken, resulting as follows:

Those who voted in the affirmative were: Senators Briscoe, Cadwallader, Coffey, Comstock, Donham, Foster, Fowler, Garrigus, Grubbs, Harris, Hart, Kahlo, Kent, Kramer, Langdon, Leeper, Menzies, Mercer, Olds, Peterson, Poindexter, Ragan, Reeve, Reiley, Sarnighausen, Shaffer, Shirk, Smith, Streight, Taylor, Traylor, Treat, Trusler, Urmstan, Viehe, Weir, Winterbotham and Wood—38.

Those who voted in the negative were: Senators Benz, Briscoe, Davenport, Hefron and Tarlton—5.

The rules were suspended.

Senate Bill No. 423 was then read by title only. Also the report of the committee recommending its passage.

Which was concurred in.

Mr. Comstock offered the following amendment:

Amend by inserting after the word "company," in the fourteenth clause of the first section, immediately preceding the proviso in said clause, the following, to-wit: "Every company doing business under the provisions of this act shall cause a copy of such semi-annual statement to be published in at least one weekly newspaper of general circulation published in this State."

Mr. Harris offered the following substitute for the amendment offered by Mr. Comstock:

And the Auditor shall cause a copy of such semi-annual statements to be published in two newspapers of general circulation printed and published in this State, one of which shall be printed and published in Indianapolis: *Provided*, That such company may select the newspapers in which such publication shall be made and notify the Auditor thereof, and that no statement shall occupy more than one-fourth of a column unless the said company shall direct otherwise, the expense thereof to be paid by the company.

The Senate adjourned.

AFTERNOON SESSION.

MARCH 4, 1879.

The Senate reassembled at 2 o'clock P. M., Lieutenant-Governor Gray in the chair.

Mr. Comstock moved that the Senate proceed with the consideration of Senate Bill No. 423.

Mr. Reeve moved to amend the motion of Mr. Comstock to read "that the special order be suspended and the consideration of Senate

Bill No. 423 be proceeded with, and that the special order will otherwise maintain its precedence."

Mr. Kramer moved that the special order be postponed until 9 o'clock to-morrow morning.

Which was rejected.

Mr. Kent moved to indefinitely postpone Senate Bill No. 423.

The ayes and noes were demanded by Messrs. Menzies and Dice, which being ordered and taken, resulted as follows:

Those who voted in the affirmative were: Senators Benz, Burrell, Coffey, Davenport, Dice, Donham, Garrigus, Hefron, Kent, Major, Moore, Olds, Poindexter, Reiley, Tarlton, Treat, Wood and Woollen—18.

Those who voted in the negative were: Senators Briscoe, Cadwallader, Comstock, Foster, Fowler, Grubbs, Harris, Hart, Kahlo, Kramer, Langdon, Leeper, Menzies, Mercer, Peterson, Ragan, Reeve, Sarnighausen, Shaffer, Shirk, Smith, Streight, Taylor, Traylor, Trusler, Urmstan, Viehe, Weir, Wilson and Winterbotham—30.

The motion to indefinitely postpone was rejected.

The question being on the substitute offered by Mr. Reeve.

The ayes and noes were demanded by Messrs. Reeve and Menzies, which being ordered and taken, resulted as follows:

Those who voted in the affirmative were: Senators Cadwallader, Comstock, Foster, Fowler, Grubbs, Harris, Kahlo, Kent, Kramer, Leeper, Menzies, Moore, Olds, Poindexter, Ragan, Reeve, Sarnighausen, Shaffer, Shirk, Streight, Traylor, Treat, Trusler, Urmstan, Viehe, Weir, Wilson and Winterbotham—28.

Those who voted in the negative were: Senators Benz, Briscoe, Burrell, Coffey, Davenport, Davis, Dice, Donham, Garrigus, Hart, Hefron, Langdon, Major, Mercer, Peterson, Reiley, Smith, Tarlton, Wood and Woollen—20.

The substitute was agreed to.

The question being on the substitute offered by Mr. Harris.

The ayes and noes were taken, resulting as follows:

Those who voted in the affirmative were: Senators Davenport, Garrigus, Harris, Ragan, Reeve, Sarnighausen, Shaffer, Shirk, Streight, Traylor, Treat, Trusler and Urmstan—13.

Those who voted in the negative were: Senators Benz, Briscoe, Burrell, Coffey, Donham, Foster, Fowler, Grubbs, Hart, Heima, Kahlo, Kent, Kramer, Langdon, Leeper, Major, Menzies, Mercer, Moore, Olds, Peterson, Poindexter, Smith, Tarlton, Taylor, Viehe, Weir, Wilson, Winterbotham and Wood—30.

The substitute was rejected.

The question being on the amendment by Mr. Comstock.

The ayes and noes were demanded by Messrs. Harris and Hefron, which being ordered and taken, resulted as follows:

Those who voted in the affirmative were: Senators Comstock, Davenport, Dice, Fowler, Grubbs, Hart, Kahlo, Leeper, Menzies, Olds, Reeve, Sarnighausen, Shaffer, Shirk, Streight, Taylor, Treat, Trusler, Viehe, Weir, Wilson and Winterbotham—22.

Those who voted in the negative were: Senators Benz, Briscoe, Burrell, Coffey, Donham, Foster, Garrigus, Harris, Hefron, Kent, Kramer, Major, Mercer, Moore, Peterson, Poindexter, Ragan, Reiley, Smith, Tarlton, Traylor, Urmstan and Wood—23.

The amendment was rejected.

Mr. Wilson offered the following:

Amend by inserting immediately after the word "thieves" in the first section, the following:

Provided further, That all foreign insurance companies desiring to carry on the business of insurance in this State as a condition to their right to so transact business therein, shall invest at least three-fourths of the amount of the premiums received on risks taken in this State in good securities or other investments therein, and the same shall be so kept invested in this State so long as such company transacts business therein.

Mr. Olds moved to reject the amendment offered by Mr. Wilson.

The ayes and noes were demanded by Messrs. Wilson and Dice, which being ordered and taken, resulted as follows:

Those who voted in the affirmative were: Senators Benz, Briscoe, Coffey, Comstock, Davis, Foster, Fowler, Harris, Hefron, Kramer, Leeper, Menzies, Moore, Olds, Reeve, Reiley, Sarnighausen, Smith, Tarlton, Taylor, Traylor, Treat, Viehe, Winterbotham, Wood and Woollen—26.

Those who voted in the negative were: Senators Burrell, Cadwallader, Davenport, Dice, Garrigus, Grubbs, Hefron, Kahlo,

Langdon, Major, Mercer, Peterson, Poindexter, Ragan, Shaffer, Shirk, Trusler, Urmstan, Weir and Wilson—20.

The motion to reject was agreed to.

Mr. Woollen offered the following amendment:

By adding the following after line twelve of last page:

And such insurance company shall publish every six months a general statement of their financial condition in two leading daily newspapers in the city of Indianapolis, and also in a newspaper of general circulation in each county in which such insurance company does business, such publication to be made at a cost not to exceed one dollar per square for each insertion.

Mr. Reeve moved the following amendment:

“The company making a statement under the provisions of this act, shall cause the same to be published once in one weekly newspaper of general circulation printed in Indianapolis, and file proof thereof with the Auditor of State, for which filing no fee shall be charged, and such proof shall be filed and preserved by such Auditor.”

Mr. Coffey moved that the bill and amendments be indefinitely postponed.

The ayes and noes were demanded by Messrs. Menzies and Dice, which being ordered and taken, resulted as follows:

Those who voted in the affirmative were: Senators Benz, Burrell, Coffey, Davis, Dice, Garrigus, Hefren, Major, Mercer, Peterson, Poindexter, Reiley, Tarlton, Treat, Urmstan and Wood—16.

Those who voted in the negative were: Senators Briscoe, Cadwallader, Comstock, Davenport, Donham, Foster, Fowler, Grubbs, Harris, Hart, Kahlo, Kramer, Langdon, Leeper, Menzies, Moore, Olds, Ragan, Reeve, Sarnighausen, Shaffer, Shirk, Smith, Taylor, Trusler, Weir, Wilson, Winterbotham and Woollen—29.

The motion was not agreed to.

Mr. Burrell moved the previous question.

Which was not seconded by the Senate.

Mr. Kahlo moved that debate cease.

Which was agreed to.

The question recurring on the substitute offered by Mr. Reeve.

The ayes and noes were demanded by Messrs. Reeve and Menzies, which being ordered and taken resulted as follows:

Those who voted in the affirmative were: Senators Cadwallader, Comstock, Davenport, Foster, Fowler, Grubbs, Hart, Kahlo, Kent, Kramer, Menzies, Olds, Peterson, Poindexter, Reeve, Reiley, Sarnighausen, Shaffer, Traylor, Treat, Trusler, Viehe, Weir, Wilson and Winterbotham—25.

Those who voted in the negative were: Senators Benz, Briscoe, Burrell, Coffey, Davis, Dice, Donham, Garrigus, Harris, Hefron, Langdon, Major, Mercer, Moore, Ragan, Shirk, Smith, Tarlton, Taylor, Urmstan, Wood and Woollen—22.

The substitute was adopted.

Mr. Coffey offered the following:

Every insurance company not organized under the laws of this State and doing business therein, shall in the months of July and January of each year report to the Auditor of State under oath of the president and secretary, the gross amount of all receipts received in this State on account of insurance premiums for the six months last preceding, ending on the last days of December and June of each year, and shall at the time of making such report pay into the treasury of the State the sum of three dollars on every one hundred dollars of such gross receipts.

The question being on the amendment offered by Mr. Coffey.

The ayes and noes were demanded by Messrs. Coffey and Dice, which being ordered and taken resulted as follows:

Those who voted in the affirmative were: Senators Benz, Burrell, Coffey, Davis, Dice, Garrigus, Harris, Hart, Hefron, Kramer, Major, Mercer, Poindexter, Ragan, Reiley, Shirk, Tarlton, Taylor, Viehe and Woollen—20.

Those who voted in the negative were: Senators Briscoe, Cadwallader, Comstock, Davenport, Donham, Foster, Fowler, Grubbs, Kent, Langdon, Menzies, Moore, Olds, Peterson, Reeve, Sarnighausen, Smith, Traylor, Treat, Trusler, Urmstan, Weir, Wilson, Winterbotham and Wood—25.

The amendment was rejected.

Mr. Foster moved that the bill be engrossed.

The question being on the motion to engross the bill.

The ayes and noes were demanded by Messrs. Hefron and Fowler, which being ordered and taken, resulted as follows:

Those who voted in the affirmative were: Senators Briscoe, Comstock, Davenport, Davis, Donham, Foster, Fowler, Grubbs,

Kahlo, Kramer, Leeper, Menzies, Olds, Peterson, Reeve, Sarnighausen, Shaffer, Smith, Traylor, Treat, Trusler, Viehe, Weir, Wilson and Winterbotham—25.

Those who voted in the negative were: Senators Benz, Burrell, Cadwallader, Coffey, Dice, Garrigus, Harris, Hart, Hefron, Kent, Langdon, Major, Mercer, Moore, Poindexter, Ragan, Reiley, Shirk, Tarlton, Taylor, Urmstan, Wood and Woollen—23.

The motion to engross was agreed to.

The following message was received from the House by the Clerk thereof:

MR. PRESIDENT:

I am directed by the Speaker of the House to inform the Senate that the House has passed Engrossed House Bill No. 47, entitled "An act to enable the owners of wet lands to drain and reclaim them, when the same can not be done without affecting the lands of others, prescribing the powers and duties of county boards and other officers in the premises, to provide for the repairs of such drains, and repealing all laws and parts of laws inconsistent herewith, and declaring an emergency."

Also, Engrossed House Bill No. 377, entitled "An act to regulate the practice of medicine, midwifery and surgery, and to provide penalties for violating the same."

Also, Engrossed House Bill No. 138, entitled "An act authorizing and requiring township trustees to apply surplus township funds now on hand for road purposes, and to legalize such application when heretofore made."

Also, Engrossed House Bill No. 529, entitled "An act to provide for the reappraisement and sale of lands forfeited to the various school funds of this State, prescribing the duties of county auditors in connection therewith, and declaring an emergency."

Also, Engrossed House Bill No. 532, entitled "An act to amend section 3 of an act entitled an act to render taxation of common school purposes uniform, and to provide for the education of the colored children of the State, approved May 13, 1869, as amended by an act entitled an act to amend section 3 of an act entitled an act to render taxation for common school purposes uniform, and to provide for the education of the colored children of the State, approved May 13, 1869, approved March 5, 1877."

Also, Engrossed House Bill No. 264, entitled "An act to provide for the security and payment of laboring men and mechanics."

And the same are herewith transmitted to the Senate for its action thereon.

I am further directed by the Speaker of the House to inform the Senate that the House has passed Engrossed Senate Bill No. 65, entitled "An act defining libel and to prevent the publication thereof."

And the same is herewith returned to the Senate.

I am further directed by the Speaker to inform the Senate that the House refused to concur in the Senate amendment to House Bill No. 340, entitled "An act apportioning the State for legislative purposes," and respectfully request the appointment of a conference committee, and has appointed as such committee on the part of the House Messrs. English and Dalton.

And said information is herewith transmitted to the Senate.

Mr. Burrell moved that the request of the House be concurred in, and that a committee of conference be appointed on the part of the Senate to consider House Bill No. 340.

The ayes and noes were demanded by Messrs. Harris and Langdon, which, being ordered and taken, resulted as follows:

Those who voted in the affirmative were: Senators Benz, Bristcoe, Burrell, Coffey, Davis, Donham, Foster, Fowler, Hart, Hebron, Kent, Kramer, Leeper, Major, Peterson, Reeve, Reiley, Sarnighausen, Tarlton, Traylor, Urmstan, Viehe, Winterbotham, Wood and Woollen—25.

Those who voted in the negative were: Senators Cadwallader, Comstock, Davenport, Dice, Garrigus, Grubbs, Harris, Kablo, Langdon, Mercer, Moore, Olds, Poindexter, Ragan, Shaffer, Shirk, Smith, Taylor, Treat, Trusler, Weir and Wilson—22.

The motion was agreed to.

The chair announced as such committee Senators Burrell and Davis.

Mr. Kent moved that the regular order of business be suspended, and that Engrossed House Bill No. 55, entitled "An act to legalize the acts of certain officers of Clinton county, Indiana," be taken up.

Which was rejected.

Mr. Reeve moved to postpone the special order, being the consideration of the fee and salary bill, until to-morrow morning at 9 o'clock.

Which was agreed to.

Mr. Fowler moved to suspend the order of business and take up **Senate Bill No. 380**, entitled "An act in relation to the Hospital for the Insane."

Mr. Wood moved to amend by taking up **House Bill No. 295**, entitled "An act relating to metropolitan police," etc.

The question being on the motion to take up **House Bill No. 295**.

The ayes and noes were demanded by **Messrs. Harris and Dice**, which being ordered and taken resulted as follows:

Those who voted in the affirmative were: **Senators Briscoe, Burrell, Coffey, Davis, Donham, Hart, Hefron, Kent, Kramer, Leeper, Major, Reiley, Sarnighausen, Tarlton, Traylor, Urmstan, Viehe, Wood and Woollen—20.**

Those who voted in the negative were: **Senators Benz, Cadwalader, Comstock, Davenport, Dice, Foster, Fowler, Garrigus, Grubbs, Harris, Kahlo, Langdon, Mercer, Moore, Olds, Peterson, Poindexter, Ragan, Reeve, Shaffer, Shirk, Smith, Taylor, Treat, Trusler, Weir, Wilson and Winterbotham—28.**

The motion was rejected.

The question recurring on the motion to take up **Senate Bill No. 380**.

It was agreed to.

The Senate adjourned.

(Approved.)

ISAAC P. GRAY,
President of the Senate.

WEDNESDAY MORNING.

MARCH 5, 1879.

Senate met at 9 o'clock A. M., **Lieutenant-Governor Gray** in the chair.

The Journal of yesterday was being read, when on motion of **Mr. Kramer**, the further reading of the same was dispensed with.

Mr. Briscoe called up the special order, **Senate Bill No. 344**.

On motion of **Mr. Poindexter**, **Senate Bill No. 374**, entitled "An act to alter and amend the charter of the town of **Clarksville**," etc.

Was taken up and read the third time.

The question being, shall the bill pass?

The ayes and noes were ordered and taken, resulting as follows:

Those who voted in the affirmative were: Senators Benz, Briscoe, Davenport, Dice, Donham, Fowler, Garrigus, Grubbs, Harris, Hart, Hefron, Kahlo, Kent, Kramer, Leeper, Major, Mercer, Moore, Peterson, Poindexter, Ragan, Reiley, Sarnighausen, Shaffer, Shirk, Tarlton, Taylor, Traylor, Treat, Trusler, Viehe, Weir, Wilson Winterbotham and Woollen—35.

Senator Reeve voting in the negative.

The bill passed.

The title was then read and ordered by the Senate to stand approved.

Mr. Harris moved to take up House Bill No. 24, entitled "A bill regulating the indebtedness of cities having a population of over 20,000," etc.

Which was agreed to.

House Bill No. 24 was then taken up and read the third time.

The question being, shall the bill pass?

The ayes and noes were ordered and taken, resulting as follows:

Those who voted in the affirmative were: Senators Benz, Briscoe, Cadwallader, Coffey, Comstock, Davenport, Dice, Donham, Fowler, Garrigus, Grubbs, Harris, Hart, Hefron, Kent, Kramer, Langdon, Leeper, Mercer, Moore, Peterson, Poindexter, Ragan, Reiley, Sarnighausen, Shaffer, Shirk, Streight, Tarlton, Taylor, Traylor, Treat, Trusler, Viehe, Weir, Wilson, Winterbotham and Woolen—38.

Senator Reeve voting in the negative.

The bill passed.

The title was then read and ordered by the Senate to stand approved.

—Mr. Benz moved to take up House Bill No. 12, entitled "An act to legalize the incorporation of the city of Seymour, Jackson county, Indiana."

Which was agreed to.

House Bill No. 12 was then read the third time.

The question being, shall the bill pass?

The ayes and noes were ordered and taken resulting as follows:

Those who voted in the affirmative were: Senators Benz, Briscoe, Burrell, Cadwallader, Coffey, Comstock, Davenport, Donham, Foster, Fowler, Garrigus, Grubbs, Harris, Hart, Hefron, Kahlo, Kent, Kramer, Leeper, Major, Mercer, Moore, Olds, Peterson, Poindexter, Reiley, Sarnighausen, Shaffer, Shirk, Smith, Streight, Tarlton, Taylor, Traylor, Treat, Trusler, Urmstan, Viehe, Wilson, Winterbotham, Wood and Woollen—42.

Those who voted in the negative were: Senators Ragan and Reeve—2.

The bill passed.

The title of the bill was then read and ordered by the Senate to stand approved.

Mr. Hart moved to take up House Bill No. 303.

Mr. Kent moved to amend by taking up House Bills on third reading.

Which was agreed to.

The following message was received from the House by the Clerk thereof:

MR. PRESIDENT:

I am directed by the Speaker of the House to inform the Senate that he has signed Enrolled House act No. 112, in relation to the Benevolent Institutions.

And the same is herewith transmitted to the Senate for the signature of the President thereto.

House Bill No. 9, in relation to corner stones in highways, was read the third time.

The question being, shall the bill pass?

The ayes and noes were ordered and taken, resulting as follows:

Those who voted in the affirmative were: Senators Benz, Burrell, Coffey, Davenport, Dice, Donham, Fowler, Garrigus, Grubbs, Harris, Hart, Kahlo, Kent, Kramer, Leeper, Major, Menzies, Mercer, Moore, Peterson, Poindexter, Reiley, Sarnighausen, Shaffer, Shirk, Smith, Streight, Tarlton, Taylor, Traylor, Treat, Trusler, Urmstan, Weir, Wilson, Winterbotham, Wood and Woolen—38.

Those who voted in the negative were: Senators Cadwallader, Comstock, Hefron, Olds, Ragan, Reeve and Viehe—7.

The bill passed.

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The title was then read, and ordered by the Senate to stand approved.

Mr. Burrell reported two claims.

Which were referred to the committee on finance without reading.

Mr. Reeve reported Senate Bill No. 158, entitled "A bill in relation to settlements made by boards of county commissioners," etc. with the report of the committee, recommending its passage after certain amendments.

Which was placed on file without reading.

Mr. Harris moved that Mr. Winterbotham have leave to report on the State House bill.

Which was agreed to.

Mr. Winterbotham, from the committee on finance, reported House Bill No. 637, and moved that it be made the special order for 2 P. M.

Mr. Fowler moved that one hundred copies be printed and made the special order for 4 P. M.

Mr. Reeve moved that the report be rejected.

The ayes and noes were demanded by Messrs. Reeve and Burrell, which being ordered and taken, resulted as follows:

Those who voted in the affirmative were: Senators Benz, Burrell, Cadwallader, Foster, Garrigus, Hart, Kramer, Reeve, Reiley, Taylor, Traylor, Treat, Trusler and Wilson—14.

Those who voted in the negative were: Senators Briscoe, Comstock, Davenport, Dice, Donham, Fowler, Grubbs, Harris, Hefron, Kahlo, Kent, Major, Menzies, Mercer, Moore, Olds, Peterson, Poindexter, Ragan, Sarnighausen, Shaffer, Shirk, Smith, Streight, Tarlton, Urmstan, Viehe, Weir, Winterbotham, Wood and Woolen—31.

The report was not rejected.

The motion to print one hundred copies was then agreed to.

Mr. Menzies moved to consider Senate Bill No. 277, on the subject of interest, and the report of the committee of conference.

Which was agreed to.

The report of the committee was read.

Mr. Kent moved the previous question.

Which was seconded by the Senate.

The main question being ordered, and the question being on concurring in the report of the committee.

The ayes and noes were demanded by Messrs. Burrell and Menzies, which being ordered and taken resulted as follows:

Those who voted in the affirmative were: Senators Benz, Briscoe, Burrell, Comstock, Donham, Foster, Fowler, Hart, Hefron, Kent, Kramer, Leeper, Major, Menzies, Peterson, Ragan, Reiley, Tarlton, Traylor, Urmstan, Wood and Woolen—22.

Those who voted in the negative were: Senators Cadwallader, Comstock, Davenport, Davis, Dice, Garrigus, Grubbs, Harris, Kahlo, Langdon, Mercer, Moore, Olds, Poindexter, Reeve, Sarnighausen, Shaffer, Smith, Streight, Taylor, Treat, Weir, Wilson and Winterbotham—24.

The report was not concurred in.

The following message was received from the House by the Clerk thereof:

MR. PRESIDENT:

I am directed by the Speaker of the House of Representatives to inform the Senate that the House has passed engrossed House Bill No. 456, entitled "An act to require certain plank, macadamized and gravel road companies to whom was relinquished the right of the State in the so-called Cumberland road, or National road, to finish, complete and keep in repair their entire road, as specified in their charter and articles of organization, within a certain time, and prescribing penalties and remedies for the non-compliance with this act and its provisions, and repealing all conflicting laws, and declaring an emergency."

Also, engrossed House Bill No. 351, entitled "An act to authorize justices of the peace to appoint persons to discharge duties in certain cases, and declaring an emergency."

Also, engrossed House Bill No. 82, entitled "An act in relation to foreign express companies, defining their duties and providing penalties for a failure to comply with the provisions of this act."

Also, engrossed House Bill No. 11, entitled "An act to amend the act of March 3, 1877, authorizing boards of county commissioners to construct gravel roads."

Also, Engrossed House Bill No. 640, entitled "An act making

specific appropriations for the year one thousand eight hundred and seventy-nine, and directing how they shall be paid."

Also, that the House has passed House Joint Resolution No. 22 entitled "A joint resolution accepting the surrender of the corporate franchises of and disincorporating the Woodburn-Sarven Wheel Company, saving, however, the rights of all its existing creditors."

And the same are herewith transmitted to the Senate for its action thereon.

The Senate adjourned.

AFTERNOON SESSION.

MARCH 5, 1879.

The Senate met at 2 o'clock P. M., Lieutenant-Governor Gray in the chair.

Mr. Winterbotham reported the appropriation bill, and asked that be made the special order for to-morrow at 9 o'clock.

Which was agreed to.

Mr. Kramer offered the following resolution:

WHEREAS, The Senate has refused to concur in the report of the conference committee on Senate Bill No. 277; be it therefore

Resolved, That another conference be had, and that a committee of two be appointed on the part of the Senate to confer with a like committee on the part of the House, to consider and report upon said bill at 5 o'clock this evening.

Mr. Benz moved to lay the resolution on the table.

Which was not agreed to.

Mr. Winterbotham offered the following resolution:

Resolved, That the Senate reconsider the vote by which the report of the conference committee on Senate Bill No. 277 was rejected, and that the committee be instructed to confer again with instructions to amend the bill so that six per cent. may follow judgment, and that the legal rate be six per cent. and eight per cent. on contract.

Mr. Burrell demanded the previous question.

The ayes and noes were demanded by Messrs. Burrell and Benz, which being ordered and taken, resulted as follows:

Those who voted in the affirmative were: Senators Benz, Burrell, Coffey, Davis, Donham, Foster, Fowler, Harris, Hefron, Kent, Major, Menzies, Moore, Peterson, Reiley, Tarlton, Traylor, Trusler, Urmstan, Wilson, Winterbotham, Wood and Woollen—23.

Those who voted in the negative were: Senators Briscoe, Cadwallader, Comstock, Davenport, Dice, Garrigus, Grubbs, Harris, Kahlo, Kramer, Langdon, Mercer, Olds, Ragan, Reeve, Sarnighausen, Shaffer, Shirk, Smith, Streight, Taylor, Treat, Viehe and Weir—24.

The previous question was not seconded.

Mr. Reeve offered the following substitute:

Resolved, That the House be requested to appoint a committee for further conference on bill No. 277, relating to interest, and the Senate appoints Senators Kramer and Hefron on the part of the Senate, with the request to the committee of the Senate, if possible, to agree on a bill allowing eight per cent. on special contract and six per cent. on judgments.

Which was adopted.

The regular order was resumed.

House Bill No. 14, in reference to public and private cemeteries, was taken up and read the third time.

The question being, shall the bill pass?

The ayes and noes were ordered and taken, resulting as follows:

Those who voted in the affirmative were: Senators Benz, Burrell, Cadwallader, Coffey, Comstock, Davis, Dice, Donham, Foster, Fowler, Garrigus, Grubbs, Harris, Hart, Hefron, Kahlo, Kent, Kramer, Langdon, Major, Menzies, Mercer, Moore, Olds, Peterson, Ragan, Reeve, Reiley, Sarnighausen, Shaffer, Shirk, Smith, Streight, Tarlton, Taylor, Traylor, Treat, Trusler, Urmstan, Viehe, Weir, Wilson, Winterbotham, Wood and Woollen—45.

No one voting in the negative.

The bill passed.

The title was then read and ordered by the Senate to stand approved.

House Bill No. 15, legalizing the election and acts of the trustees of the town of Edinburg.

Was taken up and read the third time.

The question being, shall the bill pass?

The ayes and noes were ordered and taken, resulting as follows:

Those who voted in the affirmative were: Senators Benz, Briscoe, Burrell, Cadwallader, Coffey, Comstock, Davenport, Davis, Dice, Donham, Foster, Fowler, Garrigus, Grubbs, Harris, Hart, Hefron, Kahlo, Kent, Kramer, Langdon, Leeper, Major, Menzies, Mercer, Moore, Olds, Peterson, Poindexter, Ragan, Reiley, Shirk, Smith, Streight, Tarlton, Taylor, Traylor, Treat, Trusler, Urmstan, Viehe, Weir, Wilson, Winterbotham, Wood and Woolen—46.

Senator Reeve voting in the negative.

The bill passed.

The title of the bill was then read and ordered by the Senate to stand approved.

House Bill No. 55, legalizing certain acts of the board of commissioners of Clinton county, Indiana.

Was taken up and read the third time.

The question being, shall the bill pass?

The ayes and noes were ordered and taken, resulting as follows:

Those who voted in the affirmative were: Senators Benz, Briscoe, Burrell, Cadwallader, Coffey, Comstock, Davenport, Davis, Dice, Donham, Foster, Fowler, Garrigus, Grubbs, Harris, Hart, Hefron, Kahlo, Kent, Kramer, Langdon, Leeper, Major, Mercer, Moore, Olds, Peterson, Poindexter, Ragan, Riley, Sarnighausen, Shafter, Shirk, Smith, Streight, Taylor, Traylor, Treat, Trusler, Urmstan, Viehe, Wilson, Winterbotham, Wood and Woollen—45.

No one voting in the negative.

The bill passed.

The title of the bill was then read and ordered by the Senate to stand approved.

House Bill No. 56, "An act defining the tenth and twelfth judicial circuits in the State of Indiana," etc., was read the third time.

The question being, shall the bill pass?

The ayes and noes were ordered and taken resulting as follows:

Those who voted in the affirmative were: Senators Benz, Briscoe,

Burrell, Cadwallader, Comstock, Davenport, Davis, Donham, Foster, Garrigus, Grubbs, Harris, Hart, Hefron, Kahlo, Kramer, Langdon, Leeper, Major, Mercer, Moore, Olds, Peterson, Poindexter, Ragan, Reiley, Reeve, Sarnighausen, Shaffer, Shirk, Smith, Streight, Treat, Trusler, Urmstan, Viehe, Weir, Winterbotham, Wood and Woollen—40.

Senator Traylor voting in the negative.

The bill passed.

The title was then read and ordered by the Senate to stand approved.

House Bill No. 122, in relation to authorizing cities and towns to negotiate and sell bonds, was taken up and read the third time.

The question being, shall the bill pass?

The ayes and noes were ordered and taken, resulting as follows:

Those who voted in the affirmative were: Senators Briscoe, Cadwallader, Coffey, Davenport, Davis, Donham, Foster, Fowler, Garrigus, Grubbs, Harris, Kent, Major, Mercer, Moore, Peterson, Ragan, Sarnighausen, Shirk, Smith, Tarlton, Treat and Urmstan—23.

Those who voted in the negative were: Senators Benz, Burrell, Hart, Hefron, Kramer, Langdon, Leeper, Olds, Reeve, Reiley, Streight, Traylor, Trusler, Viehe, Weir, Winterbotham, Wood and Woollen—18.

The bill failed to pass.

The following message was received from the House by the Clerk thereof:

MR. PRESIDENT:

I am directed by the Speaker of the House to inform the Senate that the House has passed Engrossed House Bill No. 89, entitled "An act touching contempt of courts; prescribing penalties that may be inflicted therefor, and the method of proceeding therein."

Also, Engrossed House Bill No 20, entitled "An act providing for the establishment of a State Bureau of Statistics and Geology, creating the office of the chief of such department, defining his duties, providing for the collection of statistics on agriculture, manufactures, commerce, education, labor, social and sanitary subjects, making said chief curator of the geological cabinet, and appropriating money to carry out the provisions of the act."

And the same are herewith transmitted to the Senate for its action thereon.

I am further directed by the Speaker to inform the Senate that the House has passed engrossed Senate Bill No. 69, entitled "An act to provide for the organization and support of an asylum for feeble-minded children; to provide for the appointment by the Governor of a board of trustees of the 'Soldiers' Orphans' Home' and for said asylum, and to abolish the office of trustees of the 'Soldiers' Orphans' Home.'"

Also, engrossed Senate Bill No. 27, entitled "An act to provide for the government and discipline of the state prisons, prescribing a punishment for violation thereof, and to repeal an act to provide for the government and discipline of the state prisons, approved February 5, 1857, and all other laws and parts of laws inconsistent herewith."

And the same are herewith returned to the Senate for its action thereon.

House Bill No. 158, entitled "An act in relation to settlements by boards of county commissioners with county, township, or school officers," etc., was taken up, with the report of the committee recommending its passage after certain amendments.

The question being on concurring in the report of the committee.

Mr. Moore offered a substitute.

Pending which, the special order for 4 P. M. was taken up.

The special order being House Bill No. 637.

It was taken up and read the second time, and the report of the committee read recommending its passage after certain amendments.

The question being on concurring in the report of the committee.

Mr. Reeve offered the following amendment to the report:

Amend the report of the committee by striking out all after the enacting clause and inserting the following:

There shall be assessed in the year 1879 the sum of three cents upon each one hundred dollars' worth of taxable property in the State, to be collected as other taxes assessed at the same time are collected, and for the year 1880 a like sum of three cents upon the one hundred dollars' worth of taxables shall be collected, which tax so collected shall be paid into the State Treasury to the credit of the new State House fund.

Mr. Menzies moved that the bill be made the special order for to-morrow at 9 o'clock A. M.

Messrs. Burrell and Foster demanded the ayes and noes, which being ordered and taken, resulted as follows:

Those who voted in the affirmative were: Senators Benz, Cadwallader, Coffey, Comstock, Davenport, Dice, Fowler, Garrigus, Grubbs, Harris, Kahlo, Kent, Langdon, Leeper, Menzies, Mercer, Moore, Peterson, Poindexter, Ragan, Reeve, Sarnighausen, Shaffer, Shirk, Smith, Streight, Taylor, Traylor, Treat, Trusler, Urmstan, Viehe, Weir, Wilson, Winterbotham and Woollen—36.

Those who voted in the negative were: Senators Briscoe, Burrell, Donham, Foster, Hart, Kramer, Major, Olds and Reiley—9.

The motion was agreed to.

The following message was received from the House by the Clerk thereof:

MR. PRESIDENT:

I am directed by the Speaker of the House to inform the Senate that he has signed Enrolled Senate act No. 379, entitled "An act to legalize an annexation to the city of Logansport," etc.,.

And the same is herewith returned to the Senate for the signature of the President thereof.

I am further directed by the Speaker of the House to inform the Senate that the House has passed Engrossed House Bill No. 578, entitled "An act for the relief of John R. Robinson, former trustee of Union township, in the county of Montgomery, State of Indiana, and Henry Sperry, Maurice J. Dee, James Lee, and the estate of Jacob Davis, deceased, sureties upon his bond as such trustee, from the payment of a certain judgment in the Montgomery circuit court, obtained against them for and on account of the confusion of the several township funds by said Robinson, while acting as such trustee, and authorizing and directing the trustee of said Union township to enter full satisfaction of said judgment on the records of said court, and for other matters properly connected therewith."

And the same is herewith transmitted to the Senate for its action thereon.

The Senate adjourned.

(Approved.)

ISAAC P. GRAY,
President of the Senate.

THURSDAY MORNING.

MARCH 6, 1879.

The Senate met at 9 o'clock, A. M., Lieutenant-Governor **Gray** in the chair.

Mr. Treat moved that the reading of the Journal of yesterday be dispensed with.

Which was agreed to.

Mr. Garrigus moved that the regular order be suspended, and that Senate bill No. 55 be taken up.

Which was agreed to.

Senate Bill No. 55, entitled "An act to legalize the acts of the Building Loan Fund and Savings Association of the town of Kokomo, Indiana," was read the third time.

The question being, shall the bill pass?

The ayes and noes were ordered and taken, resulting as follows:

Those who voted in the affirmative were: Senators Benz, Briscoe, Cadwallader, Coffey, Comstock, Davenport, Davis, Dice, Donham, Foster, Fowler, Garrigus, Grubbs, Harris, Hart, Kahlo, Kent, Kramer, Langdon, Leeper, Major, Mercer, Moore, Olds, Peterson, Poindexter, Ragan, Reiley, Sarnighausen, Shaffer, Shirk, Smith, Streight, Tarlton, Taylor, Traylor, Treat, Trusler, Urmstan, Viehe, Weir, Wilson, Wood and Woollen—43.

Those who voted in the negative were: Senators Hefron and Winterbotham—2.

The bill passed.

The title of the bill was then read and ordered by the Senate to stand approved.

The following message was received from the House by the Clerk thereof:

MR. PRESIDENT:

I am directed by the Speaker of the House to inform the Senate that he has signed Enrolled act No. 7, "House of Representatives."

And the same is herewith transmitted to the Senate for the signature of the President thereof.

I am further directed by the Speaker to inform the Senate that the House has passed Engrossed Senate Bill No. 382, entitled "An act to amend sections 1 and 14 of an act entitled an act to authorize aid to the construction of railroads," etc.

And the same is herewith returned to the Senate.

Mr. Peterson moved to take up House Bill No. 578, entitled "A Bill for the relief of John R. Robinson, trustee of Union township, Montgomery county, Indiana, and others," etc.

Which was agreed to.

Read the first time.

Mr. Peterson moved that the constitutional rule be suspended, the bill read the second and third time and put upon its passage.

The question being on the motion to suspend the constitutional rule.

The ayes and noes were ordered and taken, resulting as follows:

Those who voted in the affirmative were: Senators Benz, Biscoe, Burrell, Cadwallader, Coffey, Davenport, Davis, Dice, Donham, Foster, Fowler, Garrigus, Grubbs, Harris, Hart, Kahlo, Kent, Kramer, Langdon, Leeper, Major, Mercer, Moore, Peterson, Ragan, Reiley, Sarnighausen, Shaffer, Shirk, Smith, Streight, Tarlton, Taylor, Traylor, Treat, Trusler, Viehe, Weir, Winterbotham, Wood and Woollen—41.

Those who voted in the negative were: Senators Olds, Reeve and Wilson—3.

The rule was suspended.

The bill was read the second and third time.

The question being, shall the bill pass?

The ayes and noes were ordered and taken, resulting as follows:

Those who voted in the affirmative were: Senators Benz, Biscoe, Cadwallader, Coffey, Davenport, Davis, Dice, Donham, Foster, Fowler, Garrigus, Grubbs, Harris, Hart, Hebron, Kahlo, Kent, Kramer, Leeper, Major, Mercer, Moore, Peterson, Poindexter, Ragan, Reiley, Sarnighausen, Shaffer, Shirk, Streight, Tarlton, Taylor, Traylor, Treat, Trusler, Viehe, Weir and Wood—38.

Those who voted in the negative were: Senators Olds, Reeve and Wilson—3.

The bill passed.

The title was then read and ordered by the Senate to stand approved.

Mr. Sarnighausen moved to take up House Bill No. 122, entitled "An act in relation to authorizing cities and towns to negotiate and sell bonds," etc.

Mr. Harris moved to amend by taking up House Bill No. 592, the regular order.

Which was rejected.

The motion of Mr. Sarnighausen was then agreed to.

House Bill No. 122 was then read the third time.

The question being, shall the bill pass?

The ayes and noes were ordered and taken, resulting as follows:

Those who voted in the affirmative were: Senators Benz, Briscoe, Burrell, Cadwallader, Coffey, Comstock, Davenport, Davis, Dice, Foster, Fowler, Garrigus, Grubbs, Harris, Hefron, Kahlo, Langdon, Leeper, Major, Menzies, Mercer, Moore, Peterson, Poindexter, Ragan, Reeve, Reiley, Sarnighausen, Shirk, Smith, Tarlton, Traylor, Treat, Trusler, Urmstan, Viehe, Weir, Wilson, Winterbotham, Wood and Woollen—41.

Those who voted in the negative were: Senators Hart and Shaffer—2.

The bill passed.

The title was then read and ordered by the Senate to stand approved.

Mr. Davenport moved to suspend the regular order and take up Senate Bill No. 21, entitled "An act to establish city courts in cities having a population of six thousand inhabitants."

Which was agreed to.

Senate Bill No. 21 was read the third time.

The question being, shall the bill pass?

The ayes and noes were ordered and taken, resulting as follows:

Those who voted in the affirmative were: Senators Benz, Briscoe, Burrell, Cadwallader, Comstock, Davenport, Davis, Dice, Fowler, Garrigus, Grubbs, Harris, Hefron, Kahlo, Langdon, Leeper, Major, Menzies, Mercer, Moore, Olds, Peterson, Poindexter, Ragan, Reeve, Reiley, Shaffer, Shirk, Smith, Tarlton, Traylor, Treat, Trusler, Urmstan, Viehe, Weir, Wilson, Winterbotham and Wood—40.

Those who voted in the negative were: Senators Hart and Kramer—2.

The bill passed.

The title was then read and ordered by the Senate to stand approved.

Mr. Mercer moved to take up Engrossed House Bill No. 231, to legalize the incorporation of the town of Auburn, DeKalb county, Indiana, etc.

Which was agreed to.

Engrossed House Bill No. 231 was taken up and read the second time, with the report of the majority of the committee recommending its passage.

Which was concurred in.

Mr. Mercer moved to suspend the constitutional rules, the bill be read the third time and put upon its passage.

The question being on the motion to suspend the constitutional rule.

The ayes and noes were ordered and taken, resulting as follows:

Those who voted in the affirmative were: Senators Briscoe, Cadwallader, Coffey, Comstock, Davenport, Davis, Dice, Foster, Fowler, Garrigus, Grubbs, Hart, Hefron, Kahlo, Kent, Kramer, Langdon, Leeper, Major, Mercer, Moore, Olds, Peterson, Poindexter, Ragan, Reiley, Shaffer, Shirk, Smith, Streight, Taylor, Traylor, Treat, Trusler, Urmstan, Weir, Wilson, Winterbotham, Wood and Woollen—40.

Those who voted in the negative were: Senators Benz, Burrell, Donham, Harris, Reeve, Tarlton and Viehe—7.

The constitutional rule was suspended.

The bill was then read the third time.

The question being, shall the bill pass?

The ayes and noes were ordered and taken, resulting as follows:

Those who voted in the affirmative were: Senators Benz, Briscoe, Burrell, Cadwallader, Comstock, Davenport, Davis, Dice, Donham, Foster, Fowler, Garrigus, Grubbs, Harris, Hart, Hefron, Kahlo, Kent, Langdon, Leeper, Major, Menzies, Mercer, Moore, Olds, Peterson, Poindexter, Ragan, Reiley, Sarnighausen, Shaffer, Shirk, Smith, Tarlton, Taylor, Traylor, Treat, Trusler, Urmstan, Weir, Wilson, Wood and Woollen—43.

Those who voted in the negative were: Senators Reeve and Viehe—2.

The bill passed.

The title was then read and ordered by the Senate to stand approved.

Mr. Smith moved that the regular order be suspended and House bill No. 560, for the relief of John J. Justice and others, of Adams township, Madison county, be taken up.

Which was agreed to.

Engrossed House Bill No. 560 was then taken up and read the first time.

Mr. Smith moved that the constitutional rule be suspended and the bill read the second time.

The ayes and noes were ordered and taken, resulting as follows:

Those who voted in the affirmative were: Senators Briscoe, Cadwallader, Comstock, Dice, Foster, Fowler, Garrigus, Grubbs, Harris, Hart, Hefron, Kahlo, Kramer, Langdon, Leeper, Major, Mercer, Moore, Olds, Peterson, Poindexter, Ragan, Reiley, Sarnighausen, Shaffer, Shirk, Smith, Streight, Tarlton, Traylor, Treat, Trusler, Urmstan, Weir, Wilson, Winterbotham, Wood and Woollen—38.

Those who voted in the negative were: Senators Benz, Burrell, Coffey, Donham, Kent, Menzies, Reeve and Viehe—8.

The motion to suspend the rules was agreed to.

The bill was then read the second time.

Mr. Foster took the chair.

Mr. Harris moved to refer to the committee on the judiciary.

Mr. Smith moved the bill be read the third time.

Mr. Reeve moved the bill be indefinitely postponed.

The ayes and noes were demanded by Messrs. Benz and Menzies, which being ordered and taken, resulted as follows:

Those who voted in the affirmative were: Senators Burrell, Coffey, Comstock, Davenport, Harris, Hart, Langdon, Menzies, Ragan, Reeve, Taylor, Urmstan and Viehe—13.

Those who voted in the negative were: Senators Benz, Briscoe, Cadwallader, Davis, Dice, Donham, Foster, Fowler, Garrigus, Grubbs, Hefron, Kahlo, Kent, Mercer, Moore, Olds, Peterson, Poindexter, Reiley, Sarnighausen, Shaffer, Shirk, Smith, Streight, Tarlton, Traylor, Treat, Trusler, Weir, Winterbotham and Wood—31.

The motion was rejected.

Mr. Menzies moved to refer to the committee on county and township business.

Mr. Dice moved to lay the motion on the table.

Messrs. Reeve, Dice and Menzies demanded the ayes and noes.

The chair put the motion to lay on the table without ordering a call of the roll.

Mr. Reeve made the point of order that the ayes and noes were demanded.

The chair overruled the point of order.

Mr. Reeve appealed from the ruling of the chair, **Messrs. Menzies and Dice** joining in the appeal.

The chair refused to entertain the appeal.

Mr. Reeve appealed from this ruling of the chair in refusing to entertain the appeal.

Which appeal was not entertained by the chair.

The chair then announced the question to be on the motion to refer to the judiciary committee, and that the bill was so referred by the Senate.

Messrs. Reeve, Menzies and Hefron protested that the question put by the chair was not the question pending.

The Lieutenant-Governor took the chair.

Mr. Reeve stated his point of order as to the ruling of the chair.

The President decided that the bill having been referred was no longer before the Senate.

Mr. Reeve protested.

The following message was received from the House by the Clerk thereof:

MR. PRESIDENT:

I am directed by the Speaker of the House to inform the Senate that the House has concurred in the report of the committee of conference upon engrossed Senate bill No. 277, entitled "An act concerning interest on money and usury," a copy of which report is already in possession of the Senate, and said information is respectfully transmitted to the Senate.

I am further directed by the Speaker of the House to inform the Senate that he has signed enrolled Senate Act No. 60.

And the same is herewith returned to the Senate.

Mr. Harris moved that the special order be suspended and that the Senate proceed to the consideration of House Bill No. 592, on appropriations.

Messrs. Foster, Harris and Kahlo demanded the ayes and noes. Which being ordered and taken resulted as follows:

Those who voted in the affirmative were: Senators Benz, Cadwallader, Comstock, Davenport, Dice, Fowler, Garrigus, Grubbs, Harris, Kahlo, Langdon, Menzies, Mercer, Moore, Olds, Ragan, Shaffer, Shirk, Smith, Streight, Taylor, Traylor, Treat, Trusler, Urmstan, Winterbotham and Woollen—27.

Those who voted in the negative were; Senators Briscoe, Burrell, Coffey, Davis, Donham, Foster, Hart, Hebron, Kramer, Leeper, Major, Peterson, Reeve, Reiley, Tarlton, Viehe, Weir, Wilson and Wood—19.

The motion was agreed to.

Mr. Olds demanded the previous question.
Which was seconded by the Senate.

House Bill No. 592 was then taken up.

The following message was received from the House by the Clerk thereof:

MR. PRESIDENT:

I am directed by the Speaker of the House to inform the Senate that the House has concurred in the report of the committee of conference on House Bill No. 340, entitled "An act to apportion the State for legislative purposes," etc., a copy of which report is already in possession of the Senate, and said information is respectfully transmitted to the Senate.

I am further directed by the Speaker of the House to inform the Senate that he has signed Enrolled House Acts Nos. 24, 12 and 9.

And the same are herewith transmitted to the Senate for the signature of the President thereof.

Also, that he has signed Enrolled Senate Act No. 69, and the same is herewith returned to the Senate.

The Senate adjourned.

AFTERNOON SESSION.

MARCH 6, 1879.

Senate reassembled at 2 o'clock P. M., Lieutenant-Governor Gray in the chair.

Mr. Shirk presented certain claims, which were referred to the committee on finance without reading.

Mr. Burrell, from the conference committee on House Bill No. 340, in reference to apportionment of the State for legislative purposes, submitted a report, and moved that the report of the committee be concurred in, and demanded the previous question.

The ayes and noes were demanded by Messrs. Streight and Langdon, which being ordered and taken, resulted as follows:

Those who voted in the affirmative were: Senators Benz, Briscoe, Burrell, Coffey, Davis, Donham, Foster, Fowler, Hart, Hefron, Kent, Kramer, Leeper, Major, Menzies, Peterson, Reeve, Reiley, Sarnighausen, Tarlton, Traylor, Urmstan, Viehe, Winterbotham, Wood and Woollen—26.

Those who voted in the negative were: Senators Cadwallader, Comstock, Davenport, Dice, Garrigus, Grubbs, Harris, Kahlo, Langdon, Mercer, Moore, Olds, Poindexter, Ragan, Shaffer, Shirk, Smith, Streight, Treat, Trusler, Weir and Wilson—22.

The previous question was seconded.

The main question being ordered, the report of the committee was read.

The question being on concurring in the report of the committee.

Mr. Langdon moved to lay the report on the table.

The ayes and noes were demanded by Messrs. Burrell and Langdon, which being ordered and taken resulted as follows:

Those who voted in the affirmative were: Senators Cadwallader, Comstock, Davenport, Dice, Garrigus, Grubbs, Harris, Kahlo, Langdon, Mercer, Moore, Olds, Peterson, Poindexter, Shaffer, Shirk, Smith, Streight, Taylor, Treat, Trusler, Weir and Wilson—23.

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Those who voted in the negative were: Senators Benz, Briscoe, Burrell, Coffey, Davis, Donham, Foster, Fowler, Hart, Hefron, Kent, Kramer, Leeper, Major, Menzies, Peterson, Reeve, Reiley, Sarnighausen, Tarlton, Traylor, Urmstan, Viehe, Winterbotham, Wood and Woollen—26.

The motion was rejected.

Mr. Burrell moved that the report be concurred in, and on that demanded the previous question.

The ayes and noes were ordered and taken, resulting as follows:

Those who voted in the affirmative were: Senators Benz, Briscoe, Burrell, Coffey, Davis, Donham, Foster, Fowler, Hart, Hefron, Kent, Kramer, Leeper, Major, Menzies, Peterson, Reeve, Reiley, Sarnighausen, Tarlton, Traylor, Urmstan, Viehe, Winterbotham, Wood and Woollen—26.

Those who voted in the negative were: Senators Cadwallader, Comstock, Davenport, Dice, Garrigus, Grubbs, Harris, Kahlo, Langdon, Mercer, Moore, Olds, Poindexter, Ragan, Shaffer, Shirk, Smith, Streight, Taylor, Treat, Trusler, Weir and Wilson—23.

The previous question was seconded.

The question being, shall the main question be now put?

Messrs. Burrell and Reeve demanded the ayes and noes, which being ordered and taken resulted as follows:

Those who voted in the affirmative were: Senators Benz, Briscoe, Burrell, Coffey, Davis, Donham, Foster, Fowler, Hart, Hefron, Kent, Kramer, Leeper, Major, Menzies, Peterson, Reeve, Reiley, Sarnighausen, Tarlton, Traylor, Urmstan, Viehe, Winterbotham, Wood and Woollen—26.

Those who voted in the negative were: Senators Cadwallader, Comstock, Davenport, Dice, Garrigus, Grubbs, Harris, Kahlo, Langdon, Mercer, Moore, Olds, Poindexter, Ragan, Shaffer, Shirk, Smith, Streight, Taylor, Treat, Trusler, Weir and Wilson—23.

The main question was ordered.

The question being on concurring in the report of the committee.

Messrs. Burrell and Reeve demanded the ayes and noes.

Which being ordered and taken resulted as follows:

Those who voted in the affirmative were: Senators Benz, Briscoe, Burrell, Coffey, Davis, Donham, Foster, Fowler, Hart, Hefron, Kent, Kramer, Leeper, Major, Menzies, Peterson, Reeve, Reiley,

Sarnighausen, Tarlton, Traylor, Urmstan, Viehe, Winterbotham, Wood and Woollen—26.

Those who voted in the negative were: Senators Cadwallader, Comstock, Davenport, Dice, Garrigus, Grubbs, Harris, Kahlo, Langdon, Mercer, Moore, Olds, Poindexter, Ragan, Shaffer, Shirk, Smith, Streight, Taylor, Treat, Trusler, Weir and Wilson—23.

The report was concurred in.

Mr. Harris moved to take up the general appropriation bills.

Mr. Hefron moved to amend by concurring in the House amendments to the prison bill, House bill No. 27.

The ayes and noes were demanded by Messrs. Harris and Grubbs, which being ordered and taken resulted as follows:

Those who voted in the affirmative were: Senators Benz, Briscoe, Burrell, Coffey, Davis, Donham, Foster, Fowler, Hart, Hefron, Kent, Kramer, Langdon, Leeper, Major, Menzies, Peterson, Poindexter, Reeve, Reiley, Sarnighausen, Tarlton, Traylor, Urmstan, Viehe, Wilson, Winterbotham, Wood and Woollen—29.

Those who voted in the negative were: Senators Cadwallader, Comstock, Davenport, Dice, Garrigus, Grubbs, Harris, Kahlo, Mercer, Moore, Olds, Ragan, Shaffer, Shirk, Smith, Streight, Taylor, Treat, Trusler and Weir—20.

The motion was agreed to.

The prison bill was then taken up, and the House amendments read and concurred in.

Mr. Hefron, from the conference committee on Senate Bill No. 277, relating to interest, submitted a report, and moved that it be concurred in.

The ayes and noes were demanded by Messrs. Dice and Foster, which being ordered and taken, resulted as follows:

Those who voted in the affirmative were: Senators Benz, Burrell, Cadwallader, Coffey, Davenport, Davis, Donham, Foster, Fowler, Garrigus, Grubbs, Harris, Hart, Hefron, Kahlo, Kent, Kramer, Langdon, Leeper, Major, Mercer, Moore, Peterson, Poindexter, Ragan, Reeve, Reiley, Sarnighausen, Shaffer, Shirk, Smith, Tarlton, Taylor, Traylor, Treat, Trusler, Urmstan, Viehe, Weir, Wilson, Winterbotham, Wood and Woollen—43.

Those who voted in the negative were: Senators Briscoe, De Olds and Streight—4.

The report was concurred in.

The following message was received from the House by the Clerk thereof:

MR. PRESIDENT:

I am directed by the Speaker of the House to inform the Senate that he has signed Enrolled Senate Act No. 184, entitled "An act to prevent the practice of resorting to distant courts to oppress the citizens of Indiana," etc.

Also, Enrolled Senate Joint Resolutions Nos. 1, 2, 3, 4, 5, 6 and 7.

And the same are herewith returned to the Senate.

Mr. Hebron presented claims, which were referred to the committee on finance without reading.

Mr. Poindexter presented claims, which were referred to the committee on finance.

Mr. Wilson presented claims, which were referred to the committee on finance.

Mr. Harris moved the Senate return to the consideration of the general appropriation bills.

Mr. Urmstan moved to amend by taking up House bill No. 295, relating to a metropolitan police.

Mr. Streight moved to lay the amendment on the table.

The ayes and noes were demanded by Messrs. Streight and Grubbs, which being ordered and taken resulted as follows:

Those who voted in the affirmative were: Senators Benz, Comstock, Davenport, Dice, Garrigus, Grubbs, Harris, Kahlo, Langdon, Leeper, Mercer, Moore, Olds, Poindexter, Ragan, Sarnighausen, Shaffer, Shirk, Smith, Streight, Taylor, Treat, Trusler, Viehe, Weir, Wilson and Winterbotham—27.

Those who voted in the negative were: Senators Briscoe, Burrell, Davis, Donham, Foster, Fowler, Hart, Hebron, Kent, Kramer, Major, Peterson, Reeve, Reiley, Tarlton, Traylor, Urmstan, Wood and Woollen—19.

The motion to lie on the table was agreed to.

The question recurring on the motion made by Mr. Harris.

The ayes and noes were demanded by Messrs. Harris and Grubbs.

Mr. Reeve moved, as a substitute, that the Senate take up the State House bill.

Which was agreed to.

Mr. Langdon offered the following :

WHEREAS, The construction of the State House should proceed without unreasonable delay and oppressive taxation ; and

WHEREAS, There is no constitutional power in the General Assembly to create a debt for that purpose, and the same must be built for cash ; and

WHEREAS, There is and has been for more than a year last past a cash surplus of over \$250,000 in the treasury of the State unused and unappropriated ; therefore,

Resolved, That House Bill No. 637 be referred to a committee of three with instructions to amend said bill or report a substitute therefor appropriating \$200,000 of said surplus to be expended in the construction of said State House during the year 1879, and further laying a tax of two per cent. on each one hundred dollars of taxables for the years 1879 and 1880, to be appropriated for purposes as the same is collected under such terms as shall be proper.

Mr. Harris offered the following :

I move to amend by striking out "two cents" where it occurs, and insert "three cents."

The following message was received from the House by the Clerk thereof :

MR. PRESIDENT :

I am directed by the Speaker of the House to inform the Senate that the House has passed engrossed House bill No. 195, entitled "An act for the relief of the estate of John T. Bishop, deceased, the estate of Albium Lyon, deceased, Jacob C. Neff and Robert M. Carney, sureties on the official bond of Robert K. Rhea, former trustee of Washington township, Cass county, Indiana, revoking the conditions of the bond and declaring an emergency."

And the same is herewith transmitted to the Senate for its action thereon.

Also, that the House has passed engrossed Senate bill No. 399, "An act to provide for the submission of the constitutional amendments to the people," etc., with amendments.

Also, that the Speaker has signed enrolled Senate act No. 332, entitled "An act to amend sections 1 and 14 of an act authorizing aid to the construction of railroads," etc.

Also, that the House has concurred in Senate joint resolution No. 22.

Also, Senate concurrent resolution No. 23.

And the same are herewith returned to the Senate.

Mr. Coffey, from the committee on enrolled bills, reported as follows:

MR. PRESIDENT:

Your joint committee on enrolled bills have examined Enrolled Senate Bill No. 382, and find the same to be correctly enrolled.

The following message was received from the House by the Clerk thereof:

MR. PRESIDENT:

I am directed by the Speaker of the House to inform the Senate that he has signed Enrolled Act No. 56 (House of Representatives).

And the same is herewith transmitted to the Senate for the signature of the President thereof.

Also, that the House has passed Engrossed House Bill No. 383, entitled "An act to legalize the incorporation of the Kokomo Gas-light and Coke Company, Howard county, Indiana, and the official acts of the several boards of directors thereof, under 'an act for the incorporation of manufacturing and mining companies, and companies for mechanical, chemical and building purposes, approved May 20, 1852.'"

And the same is herewith transmitted to the Senate for its action thereon.

Also, that the House has passed Engrossed Senate Bill No. 80, entitled "An act abolishing certain offices in certain cities and towns in this act," etc.

And the same is herewith returned to the Senate.

The question being on the resolution of Mr. Langdon.

The ayes and noes were demanded by Messrs. Streight and Dice which being ordered and taken, resulted as follows:

Those who voted in the affirmative were: Senators Benz, Burrell, Cadwallader, Coffey, Comstock, Davenport, Davis, Dice, Donham,

Grubbs, Harris, Hart, Hefron, Kahlo, Kent, Kramer, Langdon, Leeper, Major, Mercer, Moore, Olds, Peterson, Poindexter, Ragan, Reiley, Sarnighausen, Shaffer, Shirk, Smith, Streight, Tarlton, Traylor, Treat, Trusler, Urmstan, Viehe, Weir, Winterbotham, Wood and Woollen—41.

Those who voted in the negative were: Senators Briscoe, Foster, Fowler, Reeve, Taylor and Wilson—6.

The resolution was agreed to, and the chair appointed Messrs. Langdon, Streight and Menzies.

On motion of Mr. Harris the committee was instructed to report at 9 o'clock to-morrow morning.

Mr. Grubbs moved to take up the general appropriation bill.

Mr. Menzies moved to amend by taking up No. 486 on congressional apportionment.

Mr. Grubbs moved to lay the motion of Mr. Menzies on the table.

The ayes and noes were demanded by Messrs. Menzies and Grubbs, which being ordered and taken resulted as follows:

Those who voted in the affirmative were: Senators Cadwallader, Comstock, Davenport, Dice, Garrigus, Grubbs, Harris, Kahlo, Langdon, Mercer, Moore, Olds, Ragan, Shaffer, Shirk, Smith, Streight, Taylor, Treat, Trusler, Weir and Wilson—22.

Those who voted in the negative were: Senators Benz, Briscoe, Burrell, Coffey, Davis, Donham, Foster, Fowler, Hart, Hefron, Kent, Kramer, Leeper, Major, Menzies, Peterson, Poindexter, Reeve, Reiley, Sarnighausen, Tarlton, Traylor, Urmstan, Viehe, Winterbotham, Wood and Woollen—27.

The motion was rejected.

Senator Streight having occupied the floor the time allowed under the rule.

Mr. Dice moved that he be allowed to proceed.

Mr. Menzies moved to lay the motion on the table.

Messrs. Harris and Grubbs demanded the ayes and noes, which being ordered and taken resulted as follows:

Those who voted in the affirmative were: Senators Benz, Briscoe, Burrell, Coffey, Davis, Donham, Foster, Hart, Hefron, Kent, Kramer, Leeper, Major, Menzies, Peterson, Ragan, Reeve, Reiley, Sarnighausen, Tarlton, Traylor, Urmstan, Viehe, Winterbotham, Wood and Woollen—26.

Those who voted in the negative were: Senators Cadwallader,

Comstock, Davenport, Dice, Garrigus, Grubbs, Harris, Kahlo, Langdon, Mercer, Moore, Olds, Poindexter; Shaffer, Shirk, Smith, Streight, Taylor, Trusler, Weir and Wilson—21.

The motion was agreed to.

Mr. Shaffer moved that the Senate adjourn.

The ayes and noes were demanded by Messrs. Garrigus, Olds, Taylor, Grubbs and Dice, which being ordered and taken resulted as follows:

Those who voted in the affirmative were: Senators Cadwallader, Comstock, Davis, Dice, Garrigus, Grubbs, Harris, Kahlo, Mercer, Moore, Olds, Ragan, Shaffer, Shirk, Smith, Streight, Taylor, Treat, Trusler, Weir and Wilson—22.

Those who voted in the negative were: Senators Benz, Briscoe, Burrell, Coffey, Donham, Foster, Hart, Hefren, Kent, Kramer, Leeper, Major, Menzies, Peterson, Reeve, Reiley, Sarnighausen, Tarlton, Traylor, Urmstan, Viehe, Winterbotham, Wood and Woolen—24.

The motion to adjourn was rejected.

Mr. Burrell demanded the previous question.

Which was seconded by the Senate.

The question recurring on the motion to take up the congressional apportionment bill.

The ayes and noes were ordered and taken, resulting as follows:

Those who voted in the affirmative were: Senators Benz, Briscoe, Burrell, Coffey, Davis, Donham, Foster, Hart, Hefron, Kent, Kramer, Leeper, Major, Menzies, Peterson, Reeve, Reiley, Sarnighausen, Tarlton, Traylor, Urmstan, Viehe, Winterbotham, Wood and Woollen—25.

Those who voted in the negative were; Senators Cadwallader, Comstock, Davenport, Dice, Garrigus, Grubbs, Harris, Kahlo, Langdon, Mercer, Moore, Olds, Poindexter, Ragan, Shaffer, Shirk, Smith, Streight, Taylor, Trusler, Weir and Wilson—22.

The motion was agreed to.

The following message was received from the House by the Clerk thereof:

MR. PRESIDENT:

I am directed by the Speaker of the House to inform the Senate that the House has passed engrossed House bill No. 486, entitled

“ An act to divide the State of Indiana into congressional districts, and the same is herewith transmitted to the Senate for its action thereon.

Mr. Streight moved that the Senate adjourn.

The ayes and noes were demanded by Messrs. Menzies, Harris, Dice, Shaffer and Grubbs, which being ordered and taken, resulted as follows:

Those who voted in the affirmative were: Senators Cadwallader, Comstock, Davenport, Davis, Dice, Garrigus, Grubbs, Harris, Kahlo, Langdon, Mercer, Moore, Olds, Poindexter, Ragan, Shaffer, Shirk, Smith, Streight, Taylor, Trusler, Weir and Wilson—23.

Those who voted in the negative were: Senators Benz, Briscoe, Burrell, Coffey, Donham, Foster, Hart, Hefron, Kent, Kramer, Leeper, Major, Menzies, Peterson, Reeve, Reiley, Sarnighausen, Tarlton, Traylor, Urmstan, Viehe, Winterbotham, Wood and Woolen—24.

The motion was rejected.

Engrossed House Bill No. 486 on congressional apportionment, was then read the first time and referred to the committee on congressional apportionment.

The following message was received from the House by the Clerk thereof:

MR. PRESIDENT:

I am directed by the Speaker to inform the Senate that he has signed Enrolled House act No. 340, entitled “An act to fix the number of Senators and Representatives to the General Assembly of the State of Indiana,” etc.

And the same is herewith transmitted to the Senate for the signature of the President thereof.

Mr. Urmstan moved to take up Engrossed House Bill No. 22, relating to the exemption of property, etc.

Which was agreed to.

The bill was then read and referred to a special committee of three, on the motion of Mr. Urmstan.

The chair appointed as the special committee, Messrs. Wilson, Garrigus and Major.

The following communication was received from the Governor.

To the Honorable the President of the Senate:

SIR: I have not been advised of the action of the Senate upon my communication of January 24th, nominating persons to the office of Trustees of the State Normal School.

Respectfully,

JAMES D. WILLIAMS.

The following message was received from the House by the Clerk thereof:

MR. PRESIDENT:

I am directed by the Speaker to inform the Senate that the House has passed engrossed House bill No. 22, entitled "An act providing for a homestead and exempting it from sale on execution, and exempting certain personal property from attachment and sale on execution or distress for rent, and repealing conflicting laws."

Also, engrossed House Bill No. 207, entitled "An act prescribing the time and manner of electing supervisors and other matters pertaining thereto, and repealing conflicting laws."

And the same are herewith transmitted to the Senate for its action thereon.

The following message was received from the Governor:

To the Honorable the President of the Senate:

SIR: I have approved and signed Senate Bills numbered and entitled as follows:

No. 14. An act to repeal an act entitled an act to establish a superior court in the county of Wayne, etc. Approved February 12, 1879.

No. 5. An act fixing the times of holding circuit courts in the eleventh judicial circuit of the State of Indiana, etc. Approved February 12, 1879.

No. 6. An act legalizing the acknowledgment and recording of certain instruments. Approved March 1, 1879.

No. 30. An act to authorize guardians to settle the estates of deceased wards. Approved March 1, 1879.

No. 101. An act to repeal the act approved March 6, 1865, entitled an act to authorize the formation of companies for the construction of water works, etc. Approved March 1, 1879.

No. 268. An act to fix the times of holding courts in the second judicial circuit of the State of Indiana, etc. Approved March 4, 1879.

No. 58. An act concerning prisoners in jail. Approved March 5, 1879.

No. 209. An act to authorize appeals from boards of commissioners of a county in cases of the locating or removal of county seats to the circuit court, etc. Approved March 5, 1879.

And have caused the same to be deposited in the office of the Secretary of State.

JAMES D. WILLIAMS.

Governor's Office, March 6, 1879.

On motion of Mr. Kahlo, House Bill No. 195, for the relief of John Bishop, of Cass county, was taken up and read the first time.

The Senate adjourned.

(Approved.)

ISAAC P. GRAY,
President of the Senate.

FRIDAY MORNING.

MARCH 7, 1879.

The Senate met at 9 o'clock A. M., Lieutenant-Governor Gray in the chair.

Mr. Dice moved that the reading of the Journal of yesterday be dispensed with.

Which was rejected.

The Journal of yesterday was being read, when, on motion of Mr. Comstock, the further reading of the same was dispensed with.

Mr. Kahlo moved to take up House Bill No. 195.

Which was agreed to.

Mr. Reeve moved that the bill be read the second time by title, the constitutional rule suspended, the bill read the third time, and put on its passage.

The question being on the motion to suspend the rule.

The ayes and noes were ordered and taken, resulting as follows:

Those who voted in the affirmative were: Senators Briscoe, Cadwallader, Davenport, Davis, Dice, Donham, Foster, Fowler, Grubbs, Harris, Hart, Hebron, Kahlo, Kent, Kramer, Langdon, Leeper,

Major, Menzies, Mercer, Moore, Peterson, Poindexter, Ragan, Reeve, Reiley, Sarnighausen, Shaffer, Shirk, Smith, Streight, Tarlton, Taylor, Traylor, Treat, Trusler, Urmstan, Viehe, Weir, Winterbotham and Woollen—41.

Senator Wilson voting in the negative.

The constitutional rule was suspended.

The bill was then read the second time by title and the third time by sections.

The question being, shall the bill pass?

The ayes and noes were ordered and taken, resulting as follows:

Those who voted in the affirmative were: Senators Benz, Briscoe, Cadwallader, Davenport, Donham, Foster, Fowler, Garrigus, Grubbs, Hefron, Kahlo, Kent, Leeper, Major, Menzies, Mercer, Moore, Olds, Peterson, Poindexter, Ragan, Reiley, Sarnighausen, Shaffer, Shirk, Smith, Streight, Tarlton, Taylor, Treat, Trusler, Weir, Winterbotham and Wood—34.

Those who voted in the negative were: Senators Coffey, Harris, Hart, Kramer, Urmstan, Viehe and Wilson—7.

The bill passed.

The title was then read and ordered by the Senate to stand approved.

The following message was received from the House by the Clerk thereof:

MR. PRESIDENT:

I am directed by the Speaker of the House of Representatives to inform the Senate that the House has adopted House Concurrent Resolution No. 23, fixing the pay of the Reading Clerks of the House and Senate at six dollars per day from the 9th day of January and until the same be fixed by law, and authorizing the Speaker of the House and President of the Senate to draw their warrants for the same.

And the same is herewith submitted to the Senate for its action.

Mr. Burrell, from the committee on claims, reported a claim which was referred to the committee on finance without reading.

Mr. Hefron moved to take up House Bill No. 608, for the relief of sureties on the bond of a trustee of Greene county, etc.

Mr. Harris moved to amend by taking up the general appropriation bill.

Mr. Grubbs moved as a substitute for the whole matter to take up Senate Bill No. 65 relating to libel.

Which was agreed to.

Senate Bill No. 65 was then read as amended by the House.

Mr. Grubbs moved that the Senate do not concur in the House amendments.

Which was agreed to.

Mr. Viehe moved that Senate Bill No. 399, relating to the submission to the people of the proposed constitutional amendments, be taken up, and that the amendments of the House be concurred in.

Which was agreed to.

The bill was then taken up and the amendments concurred in.

Mr. Straight moved to take up the general appropriation bill.

Mr. Reeve offered as a substitute that the Senate take up Senate Bill No. 286, in relation to voting in cases of levy of special taxes, etc.

Mr. Winterbotham moved that the House specific appropriation bill be read the first time and referred to the finance committee.

Which was agreed to and the bill was so read and referred.

The following message was received from the House by the Clerk thereof:

MR. PRESIDENT:

I am directed by the Speaker of the House to inform the Senate that the House has passed engrossed House Bill No. 273, entitled "An act prescribing the form of deed that may be used by sheriffs and coroners."

Also, engrossed House Bill No. 173, entitled "An act authorizing justices of the peace to certify causes in the circuit court or superior court in certain cases, and to provide for the final determination thereof, and declaring an emergency."

Also, that the House has adopted House Concurrent Resolution No. 24, authorizing the Auditor of State to draw his warrant on the Treasurer of State for the per diem of the members of the special committee to investigate the benevolent institutions at the rate allowed such members by law, etc.

And the same are herewith transmitted to the Senate for its action thereon.

Also, that the House recedes from its amendments to engrossed Senate Bill No. 65.

The question being on the motion made by Senator Reeve.

The ayes and noes were ordered and taken, resulting as follows:

Those who voted in the affirmative were: Senators Burrell, Coffey, Davis, Donham, Hart, Kent, Langdon, Menzies, Peterson, Poindexter, Reeve, Sarnighausen, Tarlton, Taylor, Traylor, Urmstan, Wilson and Wood—18.

Those who voted in the negative were: Senators Briscoe, Cadwallader, Comstock, Davenport, Foster, Fowler, Garrigus, Grubbs, Harris, Hefron, Kahlo, Kramer, Major, Mercer, Olds, Ragan, Shaffer, Shirk, Smith, Streight, Treat, Trusler and Winterbotham—23.

The motion was rejected.

The question being on the motion of Mr. Harris.

Mr. Reeve moved to lay it on the table.

Messrs. Reeve and Harris demanded the ayes and noes, which being ordered and taken, resulted as follows:

Those who voted in the affirmative were: Senators Briscoe, Burrell, Cadwallader, Davenport, Dice, Donham, Fowler, Grubbs, Harris, Kahlo, Kramer, Langdon, Mercer, Olds, Poindexter, Ragan, Sarnighausen, Shirk, Smith, Streight, Traylor, Treat, Trusler, Wilson and Woollen—25.

Those who voted in the negative were: Senators Benz, Coffey, Comstock, Davis, Foster, Garrigus, Hart, Hefron, Kent, Peterson, Reeve, Reiley, Taylor, Urmstan, Viehe, Winterbotham and Wood—17.

The motion was agreed to.

Mr. Garrigus demanded a call of the Senate, which being ordered discovered forty-three Senators present.

Mr. Fowler moved that further proceedings under the call be dispensed with.

Mr. Reeve moved to amend by ordering absentees sent for.

Mr. Streight moved to lay that motion on the table.

Messrs. Reeve and Foster demanded the ayes and noes, which being ordered and taken, resulted as follows:

Those who voted in the affirmative were: Senators Burrell, Cadwallader, Davenport, Dice, Donham, Fowler, Garrigus, Grubbs, Harris, Kahlo, Kramer, Langdon, Major, Mercer, Olds, Peterson, Ragan, Sarnighausen, Shaffer, Smith, Shirk, Streight, Taylor, Treat, Trusler, Wilson and Woollen—27.

Those who voted in the negative were: Senators Briscoe, Coffey, Comstock, Davis, Foster, Hart, Hefron, Kent, Menzies, Reeve, Reiley, Tarlton, Traylor, Urmstan, Viehe, Winterbotham and Wood—17.

The motion was agreed to.

The following message was received from the House, by the Clerk thereof:

MR. PRESIDENT:

I am directed by the Speaker of the House to inform the Senate that he has signed Enrolled House Acts Nos. 14, 15, 231, 55 and 122.

And the same are herewith transmitted to the Senate for the signature of the President thereof.

Also, that the House has adopted Senate Concurrent Resolution No. 20, relating to the employment of a shorthand reporter by the special committee to investigate the benevolent institutions.

And the same is herewith returned to the Senate.

Mr. Reeve moved to lay the motion of Mr. Fowler on the table.

Messrs. Reeve and Burrell demanded the ayes and noes, which being ordered and taken resulted as follows.

Those who voted in the affirmative were: Senators Coffey, Foster, Hefron, Kent, Reeve and Woollen—6.

Those who voted in the negative were: Senators Benz, Briscoe, Burrell, Cadwallader, Comstock, Davenport, Davis, Dice, Fowler, Garrigus, Grubbs, Harris, Hart, Kahlo, Kramer, Langdon, Major, Menzies, Mercer, Olds, Peterson, Poindexter, Ragan, Reiley, Sarnighausen, Shirk, Smith, Streight, Tarlton, Taylor, Traylor, Treat, Trusler, Urmstan, Viehe, Wilson, Winterbotham and Wood—38.

The motion was rejected.

Mr. Reeve moved that the Senate adjourn.

The ayes and noes were demanded by Messrs. Reeve, Kent, Woollen, Sarnighausen and Foster, which being ordered and taken, resulted as follows:

Those who voted in the affirmative were: Senators Briscoe, Burrell, Cadwallader, Coffey, Comstock, Davenport, Davis, Foster, Hefron, Kent, Major, Poindexter, Ragan, Reeve, Sarnighausen, Shaffer, Tarlton, Traylor, Treat, Urmstan, Viehe, Wood and Woollen—23.

Those who voted in the negative were: Senators Fowler, Garrigus, Grubbs, Harris, Hart, Kahlo, Kramer, Langdon, Menzies, Mercer, Moore, Olds, Peterson, Reiley, Shirk, Smith, Taylor, Trusler, Wilson and Winterbotham—20.

The motion to adjourn was agreed to.

The Senate adjourned.

AFTERNOON SESSION.

MARCH 7, 1879.

The Senate reassembled at 2 o'clock P. M. Lieutenant-Governor Gray in the chair.

The motion to dispense with the call of the Senate was dispensed with.

The chair announced the result of the vote of the Senate on the motion of Mr. Reeve to lay on the table.

Mr. Dice moved to take up House Bill No. 126, in reference to foreign corporations.

Mr. Harris moved to take up the General Appropriation Bill.

Mr. Hefron moved as a substitute for whole subject matter, that the Senate take up Senate Bill No. 424.

Mr. Olds demanded the previous question.

The ayes and noes were ordered and taken, resulting as follows:

Those who voted in the affirmative were: Senators Benz, Coffey, Davis, Dice, Donham, Foster, Garrigus, Grubbs, Hart, Hefron, Kahlo, Kent, Leeper, Major, Menzies, Moore, Olds, Peterson, Reiley, Sarnighausen, Smith, Streight, Traylor, Urmstan, Wilson, Winterbotham, Woollen and Wood—28.

Those who voted in the negative were: Senators Briscoe, Cadwallader, Comstock, Davenport, Harris, Kramer, Mercer, Poindexter, Ragan, Reeve, Shirk, Tarlton, Taylor, Treat, Trusler, Viehe, and Weir—17.

The motion was agreed to.

Mr. Hefron, by leave, withdrew his motion.

The question being on the motion to take up the Appropriation Bill.

Mr. Reeve moved as a substitute that Senate Bill No. 111, to enable foreign corporations to hold and convey real estate, etc., be taken up.

Mr. Benz demanded the previous question.

Which was seconded by the Senate.

The question being on the motion of Mr. Reeve.

The ayes and noes were demanded by Messrs. Benz and Harris, which, being ordered and taken, resulted as follows:

Those who voted in the affirmative were: Senators Burrell, Donham, Foster, Hefron, Kent, Leeper, Menzies, Peterson, Poindexter, Reeve, Reiley, Sarnighausen, Tarlton, Urmstan, Wood and Woolen—16.

Those who voted in the negative were: Senators Benz, Briscoe, Cadwallader, Comstock, Davenport, Davis, Dice, Garrigus, Grubbs, Harris, Hart, Kahlo, Kramer, Langdon, Major, Mercer, Moore, Olds, Ragan, Shaffer, Shirk, Smith, Streight, Taylor, Traylor, Treat, Trusler, Viehe, Weir, Wilson and Winterbotham—31.

The motion of Mr. Reeve was rejected.

The question recurring on the motion to take up the general appropriation bill.

Messrs. Benz and Harris demanded the ayes and noes, which being ordered and taken, resulted as follows:

Those who voted in the affirmative were: Senators Benz, Briscoe, Cadwallader, Davis, Donham, Grubbs, Harris, Kahlo, Langdon, Leeper, Major, Mercer, Olds, Peterson, Reiley, Shirk, Smith, Streight, Treat, Trusler, Weir and Winterbotham—22.

Those who voted in the negative were: Senators Burrell, Coffey, Comstock, Davenport, Dice, Foster, Garrigus, Hart, Hefron, Kent,
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Kramer, Menzies, Moore, Poindexter, Ragan, Reeve, Sarnighausen, Shaffer, Tarlton, Taylor, Traylor, Urmstan, Viehe, Wilson, Wood and Woollen—26.

The motion was rejected.

The question recurring on the motion to take up House Bill No. 126.

The ayes and noes were ordered and taken, resulting as follows:

Those who voted in the affirmative were: Senators Briscoe, Burrell, Coffey, Comstock, Davenport, Davis, Dice, Donham, Foster, Grubbs, Harris, Hart, Kahlo, Kent, Kramer, Langdon, Leeper, Major, Mercer, Moore, Olds, Peterson, Poindexter, Ragan, Reeve, Reiley, Sarnighausen, Shaffer, Smith, Tarlton, Taylor, Traylor, Urmstan, Viehe, Weir, Wilson, Wood and Woollen—38.

Those who voted in the negative were: Senators Shirk, Treat and Winterbotham—3.

The motion was agreed to.

The chair laid before the Senate a communication from the State Librarian in reference to the purchase of the Revised Statutes for the use of the Senate.

Which was read and referred to the committee on finance.

House Bill No. 126 was read the first time.

Mr. Dice moved to suspend the constitutional rule, have the bill read the second time by title, the third time by sections, and put upon its passage.

Mr. Dice demanded the previous question, which was seconded by consent.

The main question being ordered.

The question being on the motion to suspend the rule.

The ayes and noes were ordered and taken, resulting as follows:

Those who voted in the affirmative were: Senators Briscoe, Burrell, Cadwallader, Coffey, Comstock, Davenport, Davis, Dice, Donham, Foster, Fowler, Garrigus, Grubbs, Hart, Hefron, Kahlo, Kent, Kramer, Langdon, Leeper, Major, Menzies, Mercer, Moore, Olds, Peterson, Poindexter, Ragan, Reiley, Sarnighausen, Shaffer, Shirk, Smith, Streight, Tarlton, Taylor, Traylor, Treat, Trusler, Urmstan, Viehe, Weir, Wilson, Winterbotham, Wood and Woollen—46.

Those who voted in the negative were: Senators Harris and Reeve—2.

The motion was agreed to.

House Bill No. 126 was then read the second time by title, and the third time by sections.

The question being, shall the bill pass?

The ayes and noes were ordered and taken, resulting as follows:

Those who voted in the affirmative were: Senators Benz, Briscoe, Cadwallader, Coffey, Comstock, Davenport, Davis, Dice, Donham, Foster, Fowler, Garrigus, Grubbs, Harris, Hart, Hefron, Kahlo, Kent, Kramer, Langdon, Leeper, Major, Menzies, Mercer, Moore, Olds, Peterson, Poindexter, Ragan, Reiley, Sarnighausen, Shaffer, Shirk, Smith, Streight, Tarlton, Taylor, Traylor, Treat, Truener, Urmston, Viehe, Weir, Wilson, Winterbotham, Wood and Woollen—47.

Senator Reeve voting in the negative.

The bill passed.

The title was then read.

Mr. Dice moved to amend title by striking out "bill" and inserting "act."

Which was agreed to.

And as amended was ordered by the Senate to stand approved.

Mr. Langdon, from the special committee, submitted a report on House Bill No. 637.

Which was read.

Mr. Langdon moved that the report be concurred in.

Mr. Harris offered the following amendment:

I move to amend the report as follows: Strike out "cash balance" and insert "general fund."

Mr. Reeve offered the following substitute:

Amend so as to read: "Any money belonging to the general fund in the State treasury not otherwise appropriated."

Which was rejected.

The question being on the motion of Mr. Harris.

The ayes and noes were demanded by Messrs. Wilson and Hart, which being ordered and taken resulted as follows:

Those who voted in the affirmative were: Senators Benz, Briscoe, Cadwallader, Coffey, Davenport, Davis, Dice, [Donham, Fowler,

Garrigus, Grubbs, Harris, Hart, Hefron, Kahlo, Kent, Langdon, Leeper, Mercer, Moore, Olds, Peterson, Poindexter, Ragan, Sarnighausen, Shaffer, Shirk, Smith, Streight, Tarlton, Taylor, Treat, Trusler, Urmstan, Viehe, Winterbotham, Wood and Woollen—38.

Those who voted in the negative were: Senators Burrell, Comstock, Foster, Kramer, Reeve, Reiley, Traylor and Wilson—8.
The amendment was agreed to.

Mr. Comstock offered the following amendment:

Amend section 1 by striking out the word "three" in line ten, and inserting instead thereof the word "two."

Mr. Hefron offered the following as a substitute for the amendment offered by Mr. Comstock:

Strike out all between the words "collected" in line four, and the word "upon" in line nine, and inserting the following:

For the year 1879 two cents, and for the year 1880 the sum of three cents.

Which was rejected.

Mr. Fowler offered the following substitute to section 1:

There is hereby appropriated out of the general fund in the treasury the sum of one hundred thousand dollars for the year 1879, and the further sum of two hundred thousand dollars for the year 1880; and that there is hereby levied for the year 1879 two cents on the one hundred dollars, and two cents on the one hundred dollars for 1880, for State House purposes.

Mr. Burrell demanded the previous question.

Which was seconded by the Senate.

The main question was ordered.

Mr. Harris demanded a division of the question.

The question being first on the appropriation.

The ayes and noes were demanded by Messrs. Langdon and Harris, which being ordered and taken, resulted as follows:

Those who voted in the affirmative were: Senators Briscoe, Fowler, Harris, Leeper, Mercer, Moore, Peterson, Sarnighausen, Wilson and Winterbotham—10.

Those who voted in the negative were: Senators Benz, Burrell, Coffey, Comstock, Davenport, Donham, Foster, Garrigus, Grubbs, Hart, Hefron, Kahlo, Kent, Kramer, Langdon, Major, Menzies,

Olds, Poindexter, Ragan, Reeve, Reiley, Shaffer, Shirk, Smith, Streight, Tarlton, Taylor, Traylor, Treat, Urmstan, Weir, Wood and Woollen—34.

The first division of the question was rejected..

Messrs. Menzies and Langdon demanded the ayes and noes on the second proposition, which being ordered and taken, resulted as follows:

Those who voted in the affirmative were: Senators Benz, Briscoe, Foster, Fowler, Olds, Reiley, Traylor, Wilson, Winterbotham, Wood and Woollen—11.

Those who voted in the negative were: Senators Burrell, Cadwallader, Coffey, Comstock, Davenport, Davis, Dice, Donham, Garrigus, Grubbs, Harris, Hart, Hefron, Kahlo, Kent, Kramer, Langdon, Menzies, Mercer, Moore, Peterson, Poindexter, Ragan, Reeve, Sarnighausen, Shaffer, Shirk, Smith, Streight, Tarlton, Taylor, Treat, Trusler, Urmstan, Viehe and Weir—36.

The second proposition was rejected.

The question being on the adoption of section 1.

The ayes and noes were demanded by Messrs. Foster and Kahlo, which being ordered and taken resulted as follows:

Those who voted in the affirmative were: Senators Dice, Donham, Garrigus, Grubbs, Harris, Kahlo, Kent, Langdon, Leeper, Major, Menzies, Mercer, Moore, Olds, Peterson, Poindexter, Ragan, Sarnighausen, Shaffer, Smith, Streight, Tarlton, Taylor, Treat, Viehe, Weir and Winterbotham—27.

Those who voted in the negative were: Senators Benz, Briscoe, Burrell, Cadwallader, Coffey, Comstock, Davenport, Davis, Foster, Fowler, Hart, Hefron, Kramer, Reeve, Reiley, Shirk, Traylor, Trusler, Urmstan, Wilson, Wood and Woollen—22.

Section 1 was adopted.

Mr. Reeve offered the following amendment to section 3:

Insert after "loan," the words "now existing."

Which was agreed to.

Mr. Urmstan offered the following amendment:

Strike out all that part of the report of the committee that relates to expenditures of the two hundred thousand dollars in 1879.

The ayes and noes were demanded by Messrs. Urmstan and Reeve, which being ordered and taken resulted as follows:

Those who voted in the affirmative were: Senators Briscoe, Burrell, Donham, Kramer, Olds, Reeve, Reiley, Traylor, Urmstan, Viehe, Wilson and Woollen—12.

Those who voted in the negative were: Senators Cadwallader, Comstock, Davenport, Dice, Foster, Fowler, Garrigus, Grubbs, Harris, Hart, Hefron, Kahlo, Langdon, Leeper, Menzies, Mercer, Moore, Peterson, Poindexter, Ragan, Sarnighausen, Shaffer, Shirk, Smith, Streight, Tarlton, Taylor, Treat, Trusler, Viehe, Weir, Winterbotham and Wood—33.

The amendment was rejected.

Mr. Harris moved the adoption of section 2.

The ayes and noes were demanded by Messrs. Harris and Peterson.

Mr. Fowler offered the following amendment:

Amend section 2 by striking out "two hundred thousand" and insert "one hundred thousand."

Which was rejected.

The question recurring on the motion of Mr. Harris.

The ayes and noes were ordered and taken, resulting as follows:

Those who voted in the affirmative were: Senators Cadwallader, Comstock, Davenport, Davis, Dice, Donham, Garrigus, Grubbs, Harris, Hefron, Kahlo, Kent, Kramer, Langdon, Leeper, Menzies, Mercer, Moore, Peterson, Poindexter, Ragan, Reeve, Reiley, Sarnighausen, Shaffer, Shirk, Smith, Streight, Tarlton, Taylor, Treat, Trusler, Urmstan, Viehe, Weir, Wilson, Winterbotham and Wood—38.

Those who voted in the negative were: Senators Benz, Briscoe, Burrell, Coffey, Foster, Fowler, Hart, Olds, Traylor and Woollen—10.

Section 2 was adopted.

The question being on the motion to concur in the report of the committee.

The ayes and noes were demanded by Messrs. Foster and Harris, which being ordered and taken, resulted as follows:

Those who voted in the affirmative were: Senators Burrell, Davenport, Davis, Dice, Donham, Garrigus, Grubbs, Harris, Kahlo, Kent, Langdon, Menzies, Mercer, Moore, Peterson, Poindexter, Ragan, Reeve, Reiley, Sarnighausen, Shaffer, Shirk, Smith, Streight,

Tarleton, Taylor, Treat, Urmstan, Viehe, Weir, Winterbotham and Wood—32.

Those who voted in the negative were: Senators Briscoe, Cadwallader, Coffey, Comstock, Foster, Fowler, Hart, Hebron, Kramer, Olds, Traylor, Trusler, Wilson and Woollen—14.

The report was concurred in.

Mr. Harris moved that the bill as a whole be adopted.

Which was agreed to.

Leave of absence was obtained for Mr. Weir until Monday at noon.

The Chair laid before the Senate the following communication from the Governor:

Gentlemen of the Senate:

In accordance with the provisions of an act entitled "An act to provide for the appointment and confirmation of the Trustees of the Indiana Asylum for the Blind, the Institution for the Education of the Deaf and Dumb, and the State Hospital for the Insane, and for the more efficient management and uniform government of the same, approved March 6, 1879," I respectfully submit the following nominations:

For President of the Board of Trustees of the Hospital for the Insane, the Board of Trustees of the Institution for the Education of the Deaf and Dumb, and the Board of Trustees of the Institution for the Education of the Blind, John Fishback, to serve as such until the first day of February, 1883.

For Trustee of the Hospital for the Insane, B. F. Spann, to serve until the first day of February, 1883.

For Trustee of the Hospital for the Insane, R. H. Tarleton, to serve until the first day of February, 1881.

For Trustee of the Institution for the Education of the Deaf and Dumb, F. C. Johnson, to serve until the first day of February, 1883.

For Trustee of the Institution for the Education of the Deaf and Dumb, Milton James, to serve until the first day of February, 1881.

For Trustee of the Institution for the Education of the Blind, Joseph Ristine, to serve until the first day of February, 1883.

For Trustee of the Institution for the Education of the Blind, William V. Wiles, to serve until the first day of February, 1881.

JAMES D. WILLIAMS.

Governor's office, March 7, 1879.

Mr. Fowler moved the appointments be confirmed.

Mr. Streight moved to refer the appointments to the committee on Benevolent Institutions.

Mr. Menzies moved to lay the motion of Mr. Streight on the table.

The ayes and noes were demanded by Messrs. Olds and Fowler, which being ordered and taken, resulted as follows:

Those who voted in the affirmative were: Senators Benz, Briscoe, Burrell, Coffey, Donham, Foster, Fowler, Hart, Hefron, Kent, Kramer, Leeper, Major, Menzies, Peterson, Reiley, Sarnighausen, Tarlton, Traylor, Urmstan, Viehe, Winterbotham, Wood and Woollen—24.

Those who voted in the negative were: Senators Comstock, Davenport, Davis, Dice, Garrigus, Grubbs, Harris, Kahlo, Langdon, Mercer, Moore, Olds, Poindexter, Ragan, Shaffer, Shirk, Smith, Streight, Taylor, Treat, Trusler, Weir and Wilson—23.

The motion was agreed to.

Mr. Fowler demanded the previous question.

Which was seconded by the Senate.

The main question being ordered.

The ayes and noes were demanded by Messrs. Grubbs and Fowler, which being ordered and taken, resulted as follows:

Those who voted in the affirmative were: Senators Benz, Briscoe, Burrell, Coffey, Comstock, Davis, Donham, Foster, Fowler, Hart, Hefron, Kahlo, Kent, Kramer, Langdon, Leeper, Major, Menzies, Peterson, Poindexter, Reiley, Sarnighausen, Tarlton, Traylor, Urmstan, Viehe, Wilson, Winterbotham, Wood and Woollen—30.

Those who voted in the negative were: Senators Dice, Grubbs, Harris, Mercer, Moore, Olds, Ragan, Shaffer, Shirk, Smith, Streight, Taylor, Treat, Trusler and Weir—15.

The motion was agreed to.

Mr. Burrell moved that the reports on House Bill No. 486 be read and go on the table, and on that demanded the previous question.

Messrs. Foster and Burrell demanded the ayes and noes, which being ordered and taken resulted as follows:

Those who voted in the affirmative were: Senators Benz, Briscoe, Burrell, Coffey, Donham, Foster, Fowler, Hart, Hefron, Kent, Kramer, Leeper, Major, Menzies, Peterson, Reeve, Reiley, Sarnighausen, Tarlton, Traylor, Urmstan, Viehe, Winterbotham, Wood and Woollen—25.

Those who voted in the negative were: Senators Cadwallader, Comstock, Davenport, Davis, Dice, Garrigus, Grubbs, Harris, Kahlo, Langdon, Mercer, Moore, Olds, Poindexter, Ragan, Shaffer, Shirk, Smith, Streight, Taylor, Treat, Trusler, Weir and Wilson—24.

The motion was agreed to.

The chair laid before the Senate the following communication from the Governor:

To the President of the Senate:

I have received Senate Joint Resolutions Nos. 1, 2, 3, 4, 5, 6 and 9, and have caused them to be deposited in the office of the Secretary of State.

Respectfully,

JAMES D. WILLIAMS.

House Bill No. 486 was then read the second time, with the majority and minority reports.

On motion of Mr. Burrell the bill was made the special order for to-morrow at 10 o'clock.

Mr. Kramer moved to take up House Bill No. 303, a legalizing act.

Mr. Langdon moved as a substitute to take up the State House Bill No. 637.

Messrs. Winterbotham and Langdon demanded the ayes and noes, which being ordered and taken, resulted as follows:

Those who voted in the affirmative were: Senators Benz, Briscoe, Burrell, Cadwallader, Coffey, Comstock, Davenport, Dice, Donham, Foster, Fowler, Grubbs, Harris, Hefron, Kahlo, Langdon, Leeper, Major, Mercer, Moore, Peterson, Poindexter, Ragan, Sarnighausen, Shaffer, Smith, Streight, Tarlton, Taylor, Treat, Trusler, Urmstan, Viehe, Weir, Winterbotham and Woollen—35.

Those who voted in the negative were: Senators Garrigus, Hart, Kramer, Reeve, Reiley, Tarlton, Traylor, Wilson and Wood—9.

The motion was agreed to.

House Bill No. 637 was then read the third time.

The question being, shall the bill pass?

The ayes and noes were ordered and taken resulting as follows:

Those who voted in the affirmative were: Senators Coffey, Dr-enport, Davis, Donham, Fowler, Garrigus, Grubbs, Harris, Kah-kent, Langdon, Leeper, Menzies, Mercer, Moore, Peterson, Pe-dexter, Ragan, Reeve, Reiley, Sarnighausen, Shaffer, Smith, Streig-Tarlton, Taylor, Treat, Trusler, Urmstan, Viehe, Wier and Wa-terbotham—32.

Those who voted in the negative were: Senators Benz, Biscoe Burrell, Cadwallader, Comstock, Dice, Foster, Hart, Hefron, Kn-mer, Major, Olds, Traylor, Wilson, Wood and Woollen—16.

The bill passed.

The title was then read.

Mr. Langdon offered the following amendment:

An act providing means for the construction of the new State House, levying a tax for the State House fund, appropriating two hundred thousand dollars from the cash balance in the treasury of the State for the new State House fund, and the payment thereof and concerning the borrowing of money on the credit of the State.

Which was adopted as the title of the act.

Mr. Woollen moved to take up House Resolution No. 24, in reference to pay of special committee on benevolent institutions.

Which was agreed to.

Mr. Woollen offered an amendment providing for the pay of a stenographer.

Which was agreed to.

The resolution as amended was adopted.

Mr. Kent moved to take up House Concurrent Resolution No. 23, in relation to the per diem of reading clerks, fixing the same at six dollars.

Which was agreed to, and the resolution read.

Mr. Kent moved its adoption.

Mr. Burrell demanded a call of the Senate.

Mr. Burrell moved that the absentees be sent for.

Mr. Olds moved to dispense with further proceedings under the call, and on that motion demanded the previous question.

Which was seconded by the Senate.

The main question being ordered, the motion to dispense with further proceedings under the call was agreed to.

The Senate adjourned.

(Approved as corrected by Journal committee.)

ISAAC P. GRAY,
President of the Senate.

SATURDAY MORNING.

MARCH 8, 1879.

The Senate met at 9 o'clock, A. M. Lieutenant-Governor Gray in the chair.

The Journal of yesterday was being read, when on motion of Mr. Benz the further reading of the Journal was dispensed with.

Mr. Briscoe moved to take up Senate Bill No. 424, relating to fees and salaries.

Mr. Benz asked leave to introduce a resolution.

Which was agreed to.

The resolution was as follows:

WHEREAS, There is time for the full consideration and final passage of the general appropriation bill, thus avoiding a Special Session; therefore,

Resolved, That the consideration of the general appropriation bill be commenced at once and acted upon finally now.

Mr. Benz moved the adoption of the resolution, and demanded the previous question.

Which was seconded by the Senate.

Messrs. Benz and Fowler demanded the ayes and noes, which being ordered and taken, resulted as follows:

Those who voted in the affirmative were: Senators Benz, Cadwallader, Coffey, Comstock, Davenport, Dice, Fowler, Garrigus, Grubbs, Harris, Hart, Kahlo, Kramer, Leeper, Major, Mercer, Moore, Olds, Peterson, Poindexter, Ragan, Reiley, Shaffer, Shirk, Smith, Straight, Taylor, Traylor, Treat, Trusler, Viehe, Weir, Wilson and Winterbotham—34.

Those who voted in the negative were: Senators Briscoe, Buel Davis, Donham, Foster, Hebron, Kent, Menzies, Reeve, Sarnighsen, Tarlton, Urmstan and Woollen—13.

The resolution was adopted.

Mr. Reeve offered the following protest:

MR. PRESIDENT:

I protest against this resolution, because it declares that there is time enough to consider the appropriation bill. I believe there is no time to properly consider it, and that the attempt is a political measure of certain interested parties to force on the statute an unjust and ill considered law, and who, until now, have forced off consideration, and am, therefore, compelled to vote no.

Which, on motion of Mr. Reeve, was ordered to be spread on the Journal.

Mr. Woollen offered the following protest, which, on his motion, was ordered spread on the Journal:

Knowing that we have not time to act upon the appropriation bills and also pass a fee and salary bill at the regular session, and believing that this resolution is moved for the purpose of preventing legislation upon the subject of fees and salaries, I vote no.

Mr. Foster offered the following protest, which, on his motion, was ordered spread on the Journal:

Knowing that we have not sufficient time to act upon the appropriation bill, and believing this to be an attempt to prevent legislation on fees and salaries, I vote no.

Mr. Viehe, from the committee on enrolled bills, made the following report:

MR. PRESIDENT:

Your joint committee on enrolled bills have examined House bill No. 56, being an act to define the twelfth and tenth judicial circuits, etc., and find the same correctly enrolled.

Messrs. Grubbs and Coffey, from the committee on enrolled bills, reported that they had examined enrolled Senate bill No. 399, and find the same to be correctly enrolled.

House Bill No. 592, the general appropriation bill, was then taken up and read the second time with the report of the committee recommending certain amendments, and when so amended that the bill pass.

Mr. Harris moved that the clerk read each item, and that it be considered and adopted unless objection be made.

Mr. Grubbs moved that the Senate resolve itself into a committee of the whole for the consideration of the bill.

Mr. Winterbotham demanded the previous question.

The yeas and nays were demanded by Messrs. Benz and Olds, which being ordered and taken resulted as follows:

Those who voted in the affirmative were: Senators Benz, Briscoe, Burrell, Cadwallader, Comstock, Davenport, Dice, Donham, Foster, Fowler, Garrigus, Grubbs, Harris, Hart, Hefron, Kahlo, Kent, Kramer, Major, Mercer, Moore, Olds, Peterson, Reiley, Shirk, Smith, Streight, Tarlton, Trusler, Viehe, Winterbotham and Woolen—32.

Those who voted in the negative were: Senators Langdon, Menzies, Poindexter, Ragan, Reeve, Sarnighausen, Treat, Weir, Wilson and Wood—10.

The previous question was seconded.

The main question was ordered.

The question being on the motion to go into a committee of the whole.

It was rejected.

The question recurring on the motion of Mr. Harris.

It was agreed to.

Mr. Harris moved that the report of the committee be concurred in.

Mr. Winterbotham moved as an amendment that each section be read as amended by the committee, and considered.

Which was agreed to.

Section 1 was read and adopted.

Mr. Wilson offered the following amendment to the report of the committee:

Strike out that part of the report relating to Governor's clerk.

The ayes and noes were demanded by Messrs. Winterbotham and Benz, which being ordered and taken, resulted as follows:

Those who voted in the affirmative were: Senators Comstock, Davenport, Dice, Garrigus, Grubbs, Harris, Hart, Kahlo, Mercer,

Moore, Olds, Peterson, Poindexter, Ragan, Shaffer, Shirk, Smith, Taylor, Trusler, Weir and Wilson—21.

Those who voted in the negative were: Senators Benz, Burrell, Cadwallader, Coffey, Davis, Donham, Foster, Fowler, Hefron, Kent, Kramer, Leeper, Major, Reeve, Reiley, Sarnighausen, Streight, Tarlton, Traylor, Treat, Urmstan, Viehe, Winterbotham, Wood and Woollen—25.

The motion was lost.

The committee amendment was then agreed to.

Mr. Burrell moved to take up the special order, being engrossed House Bill No. 486, entitled "An act to apportion the State for congressional purposes," and demanded the previous question.

The chair decided it to be the special order and no motion necessary.

Mr. Harris moved to set the special order aside.

Mr. Burrell moved to lay the motion of Mr. Harris on the table.

The ayes and noes were demanded by Messrs. Harris and Grubbs, which being ordered and taken resulted as follows:

Those who voted in the affirmative were: Senators Benz, Burrell, Coffey, Donham, Foster, Fowler, Hart, Hefron, Kent, Kramer, Leeper, Major, Peterson, Reeve, Reiley, Sarnighausen, Tarlton, Traylor, Urmstan, Winterbotham, Wood and Woollen—22.

Those who voted in the negative were: Senators Briscoe, Cadwallader, Comstock, Davenport, Davis, Dice, Garrigus, Grubbs, Harris, Kahlo, Langdon, Menzies, Mercer, Moore, Olds, Poindexter, Ragan, Shaffer, Shirk, Smith, Streight, Taylor, Treat, Trusler, Viehe, Weir and Wilson—27.

The motion was lost.

The question recurring on the motion of Mr. Harris.

The ayes and noes were demanded by Messrs. Kahlo and Harris, which being ordered and taken resulted as follows:

Those who voted in the affirmative were: Senators Briscoe, Cadwallader, Comstock, Davenport, Davis, Dice, Garrigus, Grubbs, Harris, Kahlo, Kramer, Mercer, Moore, Olds, Poindexter, Ragan, Shaffer, Shirk, Smith, Streight, Taylor, Treat, Trusler, Viehe, Weir and Wilson—27.

Those who voted in the negative were: Senators Benz, Burrell, Coffey, Donham, Foster, Fowler, Hart, Hefron, Kent, Leeper,

Major, Menzies, Peterson, Reeve, Reiley, Sarnighausen, Tarlton, Traylor, Urmstan, Winterbotham, Wood and Woollen—22.

The motion was agreed to.

The committee amendment increasing the salary of the Deputy Secretary of State from \$1,000 to \$1,500 was read.

Mr. Hefron offered the following amendment:

Amend the report by striking out "\$1,500" and inserting "\$1,200."

Which was rejected.

The following message was received from the House by the Clerk thereof:

MR. PRESIDENT:

I am directed by the Speaker of the House to inform the Senate that the House has passed Engrossed House Bill No. 262, entitled "An act to require the county commissioners to let public printing, including the tax duplicates, to the lowest bidder," etc.

Also, Engrossed House Bill No. 630, entitled "An act regulating the presentation of claims against counties in the State of Indiana," etc.

Also, Engrossed Senate Bill No. 140.

Also, Engrossed Senate Bill No. 442.

Also, Engrossed Senate Bill No. 43.

Also, Engrossed Senate Bill No. 39.

And the same is herewith transmitted to the Senate.

On motion of Mr. Streight the Senate took a recess of ten minutes, in order that Senators might be introduced to General R. H. Milroy, who was present on the floor of the Senate.

When the time had expired the Lieutenant-Governor called the Senate to order.

The question being on concurring in the report of the committee fixing the salary of Deputy Secretary of State at \$1,500.

Mr. Benz demanded the previous question, which was seconded by consent.

The question being on concurring in the report of the committee.

The ayes and noes were demanded by Messrs. Foster and Dice, which being ordered and taken, resulted as follows:

Those who voted in the affirmative were: Senators Benz, Burrell, Cadwallader, Coffey, Comstock, Davis, Donham, Fowler, Kent,

Kramer, Leeper, Major, Menzies, Peterson, Reeve, Sarnighausen, Tarlton, Urmstan, Viehe, Winterbotham and Woollen—21.

Those who voted in the negative were: Senators Briscoe, Davenport, Dice, Foster, Garrigus, Grubbs, Harris, Hart, Hefron, Kahlo, Mercer, Moore, Olds, Poindexter, Ragan, Reiley, Shirk, Smith, Streight, Taylor, Traylor, Treat, Trusler, Weir, Wilson and Wood—26.

The amendment was rejected.

The Senate adjourned.

AFTERNOON SESSION.

MARCH 8, 1879.

Senate reassembled at 2 o'clock P. M., Lieutenant-Governor Gray in the chair.

The chair laid before the Senate the following communication:

Gentlemen of the Senate:

I nominate Mrs. Emily A. Roache, of Marion county, to the office of Manager of the Female Prison and Reformatory Institution for Women and Girls, to serve as such for the term of four years from the date of her appointment.

JAMES D. WILLIAMS.

Governor's Office, March 8, 1879.

Mr. Fowler moved that the nomination be confirmed.

Which was agreed to.

Also the following communication:

Gentlemen of the Senate:

I nominate John P. Early, of Laporte county, Robert D. Brown, of Dearborn county, and B. F. Ibach, of Huntington county, to the office of Trustees of the Asylum for Feeble Minded Children. Messrs. Early and Brown to serve for the term of four years, and Mr. Ibach for the term of two years from the first day of April, 1879.

JAMES D. WILLIAMS.

Governor's Office, March 8, 1879.

Which, on the motion of Mr. Fowler, were confirmed.

Also, the following communication from the Governor:

Gentlemen of the Senate:

I nominate Finley Bigger, of Rush county, and L. A. Barnett, of Hendricks county, to the office of commissioners of the House of Refuge for Juvenile Offenders, each to serve for the term of four years from the 1st day of March, 1879.

JAMES D. WILLIAMS.

Governor's Office, March 8, 1879.

Which, on motion of Mr. Fowler, were confirmed.

Mr. Hefron, from the committee on prisons, submitted a majority report.

Mr. Foster, from the same committee, submitted a minority report. Which was placed on file without reading.

Mr. Viehe, from the committee on elections, submitted a majority report in the election case of Sansbury vs. Smith.

Mr. Reiley, from the same committee, submitted a minority report. Which was placed on file without reading.

Mr. Winterbotham moved that the report of the committee on the appropriation bill be adopted as a whole, and on that demanded the previous question.

The ayes and noes were demanded by Messrs. Reeve and Fowler, which being ordered and taken, resulted as follows:

Those who voted in the affirmative were: Senators Benz, Burrell, Cadwallader, Coffey, Comstock, Davenport, Davis, Dice, Donham, Fowler, Harris, Kahlo, Kent, Kramer, Langdon, Major, Menzies, Mercer, Moore, Olds, Peterson, Streight, Tarlton, Treat, Trusler, Urmstan and Winterbotham—27.

Those who voted in the negative were; Senators Briscoe, Foster, Garrigus, Grubbs, Hart, Hefron, Leeper, Poindexter, Ragan, Reeve, Reiley, Sarnighausen, Shaffer, Shirk, Smith, Traylor, Viehe, Weir, Wilson, Wood and Woollen—21.

The previous question was seconded.

The main question being ordered.

The question being on the adoption of the report of the committee on finance as a whole.

The ayes and noes were demanded by Messrs. Fowler and Hart, which being ordered and taken, resulted as follows:

Senate Jour—37

Those who voted in the affirmative were: Senators Berr, Burrell, Cadwallader, Coffey, Comstock, Davenport, Davis, Fowler, Harris, Kahlo, Kent, Kramer, Langdon, Leeper, Major, Menzie, Mercer, Moore, Olds, Peterson, Reiley, Streight, Tarlton, Treat, Trusler, Urmstan and Winterbotham—27.

Those who voted in the negative were: Senators Briscoe, Dick, Donham, Foster, Garrigus, Grubbs, Hart, Hefron, Poindexter, Ragan, Reeve, Sarnighausen, Shaffer, Shirk, Smith, Traylor, Viehe, Weir, Wilson, Wood and Woollen—21.

The motion was agreed to.

Mr. Reeve submitted the following protest, which was ordered by the Senate to be spread on the Journal:

"As a representative of sixty thousand people whose social, political and financial condition are to be affected materially, and in any event a pecuniary burden is being placed on them, which ought to be made as light as possible, and they are entitled to be heard; and by this order of the previous question all consideration is cut off and the vote is forced on Senators who have no practical knowledge of the provisions of this bill. I protest against the action of the majority in forcing action without consideration under the previous question as tyrannical, unjust, in violation of the rights of the people and their representatives, as an abuse of parliamentary power, dangerous alike to individual and national liberty in its final consequences, and not as an approval or rejection of the bill as a whole or a part, but that I may not vote for what ought not to pass, I vote 'No.'"

Mr. Foster submitted the following protest, which was ordered spread on the Journal:

"MR. PRESIDENT:

"I look upon this as a most infamous scheme to override the voice of Senators and prevent a full consideration of how the people's money shall be voted away. The first and only section of the bill or report considered, showed that in the very outset salaries were to be increased, and the committee finding that the Senate would not sustain them in their 'fee and salary raising,' they now undertake by a 'gag' to close the mouths of Senators and put their report through under the previous question, which prevents any Senator on the floor knowing how much of the people's money they are voting away, except the seven Senators constituting the finance committee."

The following message was received from the House, by the Clerk thereof:

MR. PRESIDENT:

I am directed by the Speaker of the House to inform the Senate that the House has concurred in the Senate amendments to Engrossed House Bill No. 637—the State House bill—with the amendments heretofore transmitted to the Senate, and with the following additional amendment:

Sec. 4. An emergency exists for the immediate taking effect of this act, therefore the same shall be in force from and after its passage.

Omitted from the former message to said bill by mistake.

The following message was received from the House by the clerk thereof:

MR. PRESIDENT:

I am directed by the Speaker of the House to inform the Senate that the House has refused to concur in the Senate amendments to engrossed House bill No. 637, the State House bill, and have amended the Senate amendments.

Also, that the House has passed engrossed Senate bill No. 125, entitled "An act providing for the punishment of persons in possession of stolen property," etc., with certain amendments.

Also, that the House has passed engrossed Senate bill No. 365, relating to the Lye Creek Draining Association.

And the same are herewith submitted to the Senate.

Mr. Winterbotham moved the bill as amended be adopted as a whole.

Mr. Hefron moved to amend so that the bill be read by sections. Which was rejected.

The motion to adopt the bill as a whole was then adopted.

Mr. Harris moved that the constitutional rule be suspended, the bill read the third time now and put upon its passage.

Mr. Reeve moved to lay the motion on the table.

The ayes and noes were demanded by Messrs. Reeve and Garrigus, which, being ordered and taken, resulted as follows:

Those who voted in the affirmative were: Senators Briscoe, Dice, Donham, Foster, Garrigus, Grubbs, Hart, Hefron, Poindexter,

Reeve, Sarnighausen, Shaffer, Smith, Traylor, Weir, Wilson, Wood and Woollen—18.

Those who voted in the negative were: Senators Benz, Burrell, Cadwallader, Coffey, Comstock, Davenport, Davis, Fowler, Harris, Kahlo, Kent, Kramer, Langdon, Leeper, Major, Menzies, Mercer, Moore, Olds, Peterson, Ragan, Reiley, Shirk, Streight, Tarlton, Treat, Trusler, Urmstan, Viehe and Winterbotham—30.

The motion was lost.

The question being on the motion to suspend the rules.

The ayes and noes were ordered and taken, resulting as follows:

Those who voted in the affirmative were: Senators Benz, Cadwallader, Coffey, Comstock, Davenport, Davis, Dice, Donham, Fowler, Harris, Kahlo, Kent, Kramer, Langdon, Leeper, Major, Menzies, Mercer, Moore, Olds, Peterson, Ragan, Reiley, Shirk, Streight, Tarlton, Treat, Trusler, Urmstan and Winterbotham—30.

Those who voted in the negative were: Senators Briscoe, Foster, Garrigus, Grubbs, Hart, Hefron, Poindexter, Reeve, Sarnighausen, Shaffer, Smith, Traylor, Viehe, Weir, Wilson, Wood and Woollen—17.

The motion was not agreed to.

Mr. Winterbotham moved for leave to report on the specific appropriation bill.

Mr. Menzies moved to amend by taking up bill No. 344, on fees and salaries.

The ayes and noes were demanded by Messrs. Menzies and Foster, which being ordered and taken resulted as follows:

Those who voted in the affirmative were: Senators Briscoe, Cadwallader, Comstock, Davenport, Davis, Dice, Foster, Garrigus, Hart, Hefron, Kramer, Langdon, Menzies, Mercer, Moore, Peterson, Ragan, Reiley, Sarnighausen, Shirk, Smith, Streight, Treat, Trusler, Urmstan, Viehe, Wilson and Woollen—28.

Those who voted in the negative were: Senators Benz, Burrell, Coffey, Fowler, Grubbs, Kahlo, Kent, Major, Olds, Reeve and Winterbotham—11.

The motion was agreed to.

Bill No. 344 was then taken up and the report of the committee read.

Mr. Briscoe moved that the report be considered by sections.

Mr. Woollen moved that the bill be referred to a committee of five.

Which was agreed to.

The chair appointed as such committee Messrs. Woollen, Shirk, Kent, Reeve and Briscoe.

The following message was received from the House by the Clerk thereof:

MR. PRESIDENT:

I am directed by the Speaker of the House to inform the Senate that the House has passed Engrossed Senate Bill No. 23, entitled "An act to legalize the acts of the common council and the mayor of the town of Huntington, Huntington county, Indiana," etc.

Also, Engrossed Senate Bill No. 270, entitled "An act to repeal an act to amend the first and thirteenth sections of an act entitled an act to establish superior courts," etc.

Also, Engrossed Senate Bill No. 158, entitled "An act concerning married women," etc., with certain amendments.

Also, Engrossed Senate Bill No. 136, entitled "An act to regulate the use of human bodies for the purposes of dissection," etc.

Also, that the Speaker has signed Senate Enrolled Act No. 39, entitled "An act in relation to changing of proposed lines and terminus of railroads."

And the same are herewith transmitted to the Senate.

Mr. Reeve moved that the Senate take a recess of ten minutes for the purpose of extending courtesies to the distinguished United States Senators from this State now on the floor.

Which was agreed to.

Mr. Kent moved to take up House Resolution No. 23, in reference to pay of reading clerks.

Mr. Langdon moved to take up the general appropriation bill No. 592.

Mr. Burrell moved to take up House Bill No. 486, on congressional apportionment.

Mr. Dice moved to take up House Bill No. 637—the State House bill.

Which was agreed to.

Mr. Fowler submitted a report from the committee on benevolent and reformatory institutions.

Which was placed on file without reading.

The House amendments to Senate amendments to bill No. 637 was read.

On motion of Mr. Streight the bill and amendments were ordered to lie on the table.

Mr. Langdon moved to take up the general appropriation bill.

The ayes and noes were demanded by Messrs. Langdon and Hebron which being ordered and taken, resulted as follows:

Those who voted in the affirmative were: Senators Briscoe, Cadwallader, Comstock, Davenport, Davis, Dice, Donham, Fowler, Garrigus, Grubbs, Harris, Kahlo, Kent, Langdon, Leeper, Major, Mercer, Moore, Olds, Peterson, Poindexter, Ragan, Reiley, Shirk, Smith, Streight, Taylor, Traylor, Treat, Trusler, Urmstan, Viehe, Weir, Wilson and Wood—35.

Those who voted in the negative were: Senators Burrell, Coffey, Foster, Hart, Hefron, Kramer, Reeve, Sarnighausen, Shaffer, Tarlton and Winterbotham—11.

The motion was agreed to.

Mr. Langdon moved that the constitutional rule be suspended and the general appropriation bill be read the third time.

The question being on the motion to suspend the constitutional rule.

The ayes and noes were ordered and taken, resulting as follows:

Those who voted in the affirmative were: Senators Benz, Cadwallader, Coffey, Comstock, Davenport, Davis, Dice, Fowler, Garrigus, Grubbs, Harris, Kahlo, Kent, Langdon, Leeper, Major, Menzies, Mercer, Moore, Olds, Peterson, Ragan, Reiley, Shirk, Streight, Tarlton, Treat, Trusler, Urmstan and Winterbotham—30.

Those who voted in the negative were: Senators Briscoe, Burrell, Donham, Foster, Hart, Hefron, Kramer, Reeve, Sarnighausen, Smith, Traylor, Viehe, Wilson and Wood—14.

The constitutional rule was not suspended.

Mr. Kramer moved to reconsider the vote by which the report of the finance committee on the general appropriation was adopted as a whole.

The yeas and nays were demanded by Messrs. Foster and Kramer, which being ordered and taken resulted as follows:

Those who voted in the affirmative were: Senators Briscoe, Cadwallader, Comstock, Davenport, Davis, Dice, Foster, Fowler, Garrigus, Grubbs, Harris, Hart, Hefron, Kahlo, Kent, Kramer, Langdon, Leeper, Major, Menzies, Mercer, Moore, Olds, Peterson, Poindexter, Ragan, Reeve, Reiley, Sarnighausen, Shirk, Smith, Streight, Tarlton, Taylor, Traylor, Treat, Trusler, Urmstan, Viehe, Wilson and Wood—41.

Those who voted in the negative were: Senators Benz, Burrell, Donham and Winterbotham—4.

The motion was agreed to.

Mr. Harris moved that the order of business be suspended, and Senate Bill No. 158, entitled "An act concerning married women," be taken up.

Mr. Burrell moved to amend by taking up House Bill No. 486, relating to congressional apportionment.

Messrs. Garrigus and Langdon demanded the ayes and noes, which being ordered and taken resulted as follows:

Those who voted in the affirmative were: Senators Benz, Burrell, Coffey, Donham, Foster, Fowler, Hart, Hefron, Kent, Kramer, Leeper, Major, Menzies, Peterson, Reeve, Reiley, Sarnighausen, Tarlton, Traylor, Urmstan, Viehe, Winterbotham, Wood and Woolen—24.

Those who voted in the negative were: Senators Cadwallader, Comstock, Davenport, Davis, Dice, Garrigus, Grubbs, Harris, Kahlo, Langdon, Mercer, Moore, Olds, Poindexter, Ragan, Shaffer, Shirk, Smith, Streight, Taylor, Treat, Trusler and Wilson—23.

The motion was agreed to.

Mr. Hefron moved that the bill be referred to a committee of five, with instruction to report at 8 o'clock this evening.

Mr. Harris moved that the committee consist of two Republicans, two Democrats and one National.

Mr. Menzies moved to reject the motion of Mr. Harris.

The ayes and noes were demanded by Messrs. Menzies and Foster, which being ordered and taken resulted as follows:

Those who voted in the affirmative were: Senators Benz, Briscoe, Burrell, Coffey, Davis, Donham, Foster, Fowler, Hart, Hefron, Kent, Kramer, Leeper, Major, Menzies, Peterson, Reeve, Reiley,

Tarlton, Traylor, Urmstan, Viehe, Winterbotham, Wood and Woollen—25.

Those who voted in the negative were: Senators Cadwallader, Comstock, Davenport, Dice, Garrigus, Grubbs, Harris, Kahle, Langdon, Mercer, Moore, Olds, Poindexter, Ragan, Shaffer, Shirk, Smith, Streight, Taylor, Treat, Trusler and Wilson—22.

The motion was agreed to.

Mr. Sarnighausen announced his pair with Mr. Weir on all questions except the passage of bills until Monday at noon.

The question being on the motion made by Mr. Hefron to refer to a committee of five.

It was agreed to.

The chair appointed as such committee Senators Hefron, Garrigus, Winterbotham, Davis and Urmstan.

Mr. Foster moved to take up House Bill No. 58 in relation to attorney's fees.

Mr. Winterbotham moved to amend by taking up Senate Bill No. 35 in relation to congressional apportionment.

Mr. Langdon moved to lay the motion on the table.

Messrs. Streight and Langdon demanded the ayes and noes, which being ordered and taken resulted as follows:

Those who voted in the affirmative were: Senators Briscoe, Cadwallader, Comstock, Davenport, Dice, Garrigus, Grubbs, Harris, Kahlo, Langdon, Mercer, Moore, Olds, Poindexter, Ragan, Shaffer, Shirk, Smith, Streight, Taylor, Treat, Trusler and Wilson—23.

Those who voted in the negative were: Senators Benz, Burrell, Davis, Donham, Hart, Hefron, Kent, Kramer, Leeper, Major, Menzies, Peterson, Reeve, Reiley, Tarlton, Traylor, Urmstan, Viehe, Winterbotham, Wood and Woollen—21.

The motion was agreed to.

The following message was received from the House by the Clerk thereof:

MR. PRESIDENT:

I am directed by the Speaker of the House to inform the Senate that the House has passed Engrossed Senate Bill No. 17, "An act to enable the owners of wet lands to drain and reclaim the same," etc.

Also, Engrossed Senate Bill No. 9, "An act to promote the science of medicine," etc.

Also, Engrossed Senate Bill No. 347, "An act to amend the charter of Evansville and changing its corporate name," etc.

Also, Engrossed Senate Bill No. 187, in relation to the election of supervisors, etc.

Also, Engrossed House Bill No. 420, for the relief of Alexander Ingels.

Also, Engrossed Senate Bill No. 22, "An act to legalize the acts of the board of trustees of the town of New Haven, Allen county," etc., with certain amendments.

And the same are herewith transmitted to the Senate.

Mr. Wood moved the Senate adjourn.

The ayes and noes were demanded by Messrs. Olds, Grubbs, Kahlo, Wilson and Harris, which being ordered and taken resulted as follows:

Those who voted in the affirmative were: Senators Briscoe, Burrell, Cadwallader, Coffey, Davenport, Davis, Dice, Donham, Hefron, Major, Menzies, Olds, Reeve, Reiley, Streight, Tarlton, Taylor, Treat, Viehe, Urmstan, Wood and Woollen—22.

Those who voted in the negative were: Senators Benz, Comstock, Foster, Fowler, Garrigus, Grubbs, Harris, Hart, Kahlo, Kramer, Langdon, Mercer, Moore, Peterson, Poindexter, Ragan, Shaffer, Shirk, Smith, Traylor, Trusler, Wilson and Winterbotham—23.

The motion was lost.

Mr. Langdon introduced Senate Bill No. 446, relating to the order of business of the Senate and House of Representatives, etc.

Read the first time.

Mr. Langdon moved that the constitutional rules be suspended, the bill considered engrossed and read the second and third times and put upon its passage.

Mr. Foster moved to substitute House Bill No. 58.

Mr. Benz moved to lay on the table.

The Senate adjourned.

(Approved as corrected by the Journal committee.)

ISAAC P. GRAY,
President of the Senate.

MONDAY MORNING.

MARCH 10, 1879.

The Senate met at 9 o'clock A. M., Lieutenant-Governor Gray in the chair.

The Journal of Saturday was being read when, on motion of Mr. Winterbotham, it was referred to the committee on revision of the Journal, with instructions to report at 2 o'clock P. M.

Mr. Sarnighausen, from the committee on education, submitted a report on the resolution introduced by Mr. Menzies in relation to the passage of an act prohibiting the appropriation of the school fund for any other than common school purposes.

Which was read and concurred in.

Mr. Wood moved that one hundred copies of the general appropriation bill be printed.

Which was agreed to.

Mr. Comstock, from the committee on the judiciary, reported engrossed House Bill No. 131, entitled "An act to amend section 77 of the practice act," with the report of the committee recommending its passage after certain amendment.

Which was placed on file without reading.

Mr. Comstock, from the committee on the judiciary, reported engrossed House Bill No. 497, entitled "An act amending the practice act," with the report of the committee recommending its indefinite postponement.

Which was placed on file without reading.

Mr. Comstock, from the committee on the judiciary, reported Senate Bill No. 429, to legalize the election held in the year 1878 in the town of Washington, Wayne county, etc., with the report of the committee recommending its passage.

Which was placed on file without reading.

Mr. Harris, from the committee on the judiciary, reported Senate Bill No. 403, entitled "An act to amend section 12 of the divorce

act," with the report of the committee recommending that it lie upon the table.

Which was placed on file without reading.

Mr. Harris, from the committee on the judiciary, submitted a minority report on House Bill No. 5, entitled "An act to amend an act entitled an act regulating the number of grand jurors," etc., with the report of the committee recommending its passage.

Which was placed on file without reading.

Mr. Grubbs, from the committee on the judiciary, reported Senate Bill No. 421, entitled "An act concerning parties to actions," with the report of the committee recommending its passage.

Which was placed on file without reading.

Mr. Grubbs, from the committee on the judiciary, reported Senate Bill No. 432, entitled "An act to amend section 10 of an act entitled an act to establish a house of refuge," etc., with the report of the committee, recommending its passage after certain amendments.

Which was placed on file without reading.

Mr. Burrell, from the committee on claims, reported Senate Claim No. 2, presented by James E. Franklin, assignee of C. A. Woodbridge, for articles furnished the General Assembly of 1875, with the report of the committee, recommending its indefinite postponement.

Which was placed on file without reading.

Mr. Burrell, from the committee on claims, reported a claim presented by the Lafayette Guards for services rendered, with the report of the committee recommending its indefinite postponement.

Which was placed on file without reading.

Mr. Burrell, from the committee on claims, reported a petition for a claim or allowance presented by Charles Eppinghausen on account of State House plans, with the report of the committee, recommending its indefinite postponement.

Which was placed on file without reading.

Mr. Burrell, from the committee on claims, reported Senate Claim No. 3, presented by Samuel B. Gookins, with a petition concerning the same, with the report of the committee recommending its indefinite postponement.

Which was placed on file without reading.

Mr. Burrell, from the committee on claims, reported the petition and claim of William M. Harrison for services rendered the State, with the report of the committee recommending its indefinite postponement.

Which was placed on file without reading.

Mr. Burrell, from the committee on claims, reported the claim for painting and repairing the fence enclosing the Tippecanoe battle ground, with the report of the committee recommending its indefinite postponement.

Which was placed on file without reading.

Mr. Burrell, from the committee on claims, submitted a report on Senate Claim No. 9, recommending that the principal of the claim be allowed Mr. J. Zackman, and that the claim be referred to the committee on claims, with instruction to incorporate the same in the specific appropriation.

Mr. Burrell, from the committee on claims, to whom was referred the claim of Caroline Hohman, on account of swamp lands, for \$203.46, has had the same under consideration and direct me to report the same back with the recommendation that it be allowed, and that the matter be referred to the finance committee with instructions to incorporate the principal of said claim in the specific appropriation.

Mr. Wood, from the committee on railroads, reported Senate Bill No. 418, entitled "An act to authorize county commissioners to indorse railroad bonds," etc., with the report of the committee recommending its indefinite postponement.

Which was placed on file without reading.

Mr. Wilson, from the special committee, reported engrossed House Bill No. 22, entitled "An act to provide for exempting property from attachment and sale on execution in certain cases," with the report of the committee recommending its passage.

Which was placed on file without reading.

Mr. Wood offered the following :

Resolved by the Senate (the House of Representatives concurring therein), That the Assistant Doorkeepers of the Senate shall be allowed one dollar each per day in addition to the amount named by law, and that the spittoon cleaner of the Senate be allowed thirty-five dollars for acting as Assistant Doorkeeper for fourteen days, and that the same be ordered paid; and that the Postmaster of the

Senate be paid two dollars per day extra, and that the same be ordered paid.

Which was referred to the committee on fees and salaries.

Mr. Benz, from the committee on mines and mining, reported Senate Bills Nos. 74 and 255, acts relative to the working of coal mines, etc., with the report of the committee recommending that they do lie on the table.

Which were placed on file without reading.

Leave of absence was obtained for the committee on the revision of the Journal.

Mr. Shaffer moved to take up House Bills on first reading.

Which was agreed to.

Mr. Coffey, from the joint committee on enrolled bills, submitted the following report:

MR. PRESIDENT:

Your joint committee on enrolled bills have examined enrolled Senate Bills Nos. 347, 27, 43, 270, 136, 23, 365, 442, 140 and 187, and find them to be correctly enrolled.

Engrossed House Bill No. 11, entitled "An act to amend the act of March 3, 1877, authorizing boards of county commissioners to construct gravel roads," was taken up and read the first time and referred to the committee on roads.

Mr. Wilson moved to reconsider the vote by which the Senate ordered bills on first reading to be taken up.

Which was agreed to.

On motion of Mr. Leeper the motion was ordered to lie on the table.

Mr. Leeper moved to take up House Resolution No. 23, in relation to the per diem of the reading clerks.

Leave of absence was obtained for Mr. Streight for the day on account of sickness.

Mr. Leeper offered the following amendment to the resolution:

Amend by striking out the words "fixed at six" and insert in lieu thereof the words "allowed one dollar extra."

Mr. Ragan moved that the resolution and amendment lie on the table.

The ayes and noes were demanded by Messrs. Ragan and Shirk which being ordered and taken resulted as follows:

Those who voted in the affirmative were: Senators Briscoe, Comstock, Foster, Fowler, Garrigus, Hart, Ragan and Shirk—8.

Those who voted in the negative were: Senators Benz, Burrell, Cadwallader, Coffey, Davenport, Davis, Donham, Harris, Hefron, Kahlo, Kent, Kramer, Langdon, Leeper, Major, Menzies, Mercer, Moore, Olds, Reeve, Reiley, Shaffer, Straight, Taylor, Traylor, Treat, Urmstan, Wilson, Winterbotham, Wood and Woollen—31.

The motion was rejected.

The amendment was then agreed to.

The question recurring on the resolution.

The ayes and noes were demanded by Messrs. Kahlo and Garrigus which being ordered and taken, resulted as follows:

Those who voted in the affirmative were: Senators Benz, Cadwallader, Davenport, Davis, Donham, Harris, Hefron, Kahlo, Kent, Kramer, Langdon, Leeper, Major, Menzies, Mercer, Olds, Reeve, Reiley, Shaffer, Straight, Traylor, Treat, Urmstan, Wilson, Winterbotham, Wood and Woollen—28.

Those who voted in the negative were: Senators Briscoe, Burrell, Coffey, Comstock, Foster, Fowler, Garrigus, Hart, Ragan, Shirk and Taylor—11.

The resolution as amended was adopted.

Mr. Menzies offered the following resolution:

Resolved by the Senate (the House of Representatives concurring therein), That D. D. Dale, Principal Secretary, and Olney Newell, Principal Journal Clerk of the Senate, be each allowed three hundred dollars for superintending the printing of the Journal, reading proof and indexing the same, for preparing calendar of bills pending upon adjournment, and for filing all bills, books, resolutions and papers of the Senate with the State Librarian.

Mr. Harris moved to refer to the committee on public printing, with instruction to inquire what it is worth to make up a proper index.

Mr. Reeve offered the following:

Resolved, That the Secretary and Journal Clerk be each allowed three hundred dollars for making a complete index to the Senate Journal and superintending its publication, and comparison of printed

Journal with manuscript record of Journal bills and register of the Senate.

Resolved, That the Auditor, Secretary and Treasurer of State, be appointed a committee to examine the index when finished, and if approved by them the warrant shall be issued for the money here allowed, and it shall not be issued until such work is fully done to their approval.

And moved to refer to a special committee of three.

Mr. Reeve demanded the previous question, which was not seconded by the Senate.

Mr. Ragan offered the following:

Amend the resolution by striking out the word "three," wherever it occurs, and insert "one."

Mr. Burrell offered the following amendment:

Amend the amendment by striking out the word "one," and inserting in lieu thereof "fifty dollars."

Mr. Leeper moved that the whole subject matter be referred to a special committee.

Which was agreed to.

Mr. Hefron offered the following:

Resolved by the Senate (the House of Representatives concurring therein), That Daniel D. Dale, Secretary of the Senate, Charles W. Ward, Assistant Secretary of the Senate, Webster Dixon, Clerk of the House of Representatives, and Thomas C. Mays, Assistant Clerk of the House of Representatives, be each allowed the sum of three hundred dollars, for services to be performed by them in arranging and indexing the bills and papers of the two Houses, indexing the journals of the two Houses, making the calendars to accompany the same preparatory to the printing thereof, and for all other services to be performed by them as such officers after the adjournment of the present session, the same to be paid out of the appropriation of one hundred and twenty-five thousand dollars to pay expenses of this session, and the President of the Senate and Speaker of the House of Representatives are directed to draw their warrants for the same on the Auditor.

Which, on motion of Mr. Hefron, was referred to the special committee.

Mr. Ragan offered the following amendment:

Amend the resolution by striking out the word "three" wherever it occurs and insert "one."

Mr. Comstock moved to refer resolution and amendment to the special committee.

Which was agreed to.

The Chair appointed as such special committee Messrs. Kahle, Reeve and Major.

Mr. Leeper offered the following resolution:

Resolved by the Senate (the House of Representatives concurring therein), That the State Librarian be and is hereby authorized to sell the revised statutes which were furnished the members of the Senate at the present session at eight dollars per set.

Mr. Langdon offered the following amendment:

Amend by striking out "eight dollars" and insert "at the best price she can obtain therefor."

Which was agreed to.

The resolution as amended was then adopted.

The following message was received from the House by the clerk thereof:

MR. PRESIDENT:

I am directed by the Speaker of the House to inform the Senate that the House has adopted House concurrent resolution No. 26, relative to the appointment of a committee of three for each House of the General Assembly to wait on the Governor and ascertain whether he has any further communication to make to this General Assembly, and to report at once.

Also, House Concurrent Resolution No. 25, authorizing the payment of one hundred and eighty-five dollars to Henry Schnull, proprietor of the Occidental Hotel, for the use of committee rooms for the House committees, and authorizing the Speaker of the House to draw his warrant for the same.

And the same is herewith transmitted to the Senate for its action thereon.

Mr. Winterbotham moved that the message from the House, in relation to a committee to wait on the Governor, be concurred in.

Which was agreed to.

The chair appointed as such committee, Messrs. Wilson, Hart and Benz.

The Senate adjourned.

AFTERNOON SESSION.

MARCH 10, 1879.

The Senate reassembled at 2 o'clock P. M. Lieutenant-Governor Gray in the chair.

The following communication was received from the Governor:

To the Honorable, the President of the Senate:

SIR: I have approved and signed Senate Bills numbered and entitled as follows:

No. 60. "An act to amend sections 6, 7, 44 and 45 of an act entitled an act to divide the State into circuits for judicial purposes fixing the time of holding the courts therein, abolishing the courts of common pleas and transferring the business thereof to the circuit courts thereof, and providing for the election of judges and prosecuting attorneys in certain cases, approved March 6, 1873, and providing for the transaction of business in the judicial circuits created by this act, approved March 7, 1879."

No. 69. "An act to provide for the organization and support of an Asylum for Feeble Minded Children, to provide for the appointment by the Governor of a board of trustees of the Soldiers' Home, and for said Asylum, and to abolish the office of trustees of the Soldiers' Orphans' Home, approved March 7, 1879."

No. 184. "An act to prevent the practice of resorting to distant courts to oppress the citizens of Indiana and deprive them of their rights under the statutes of Indiana, approved March 7, 1879."

No. 382. "An act to amend the first and fourteenth sections of an act entitled an act to authorize aid to the construction of railroads by counties and townships taking stock in and making donation to railroad companies,' approved May 12, 1869, and amended by an act entitled 'An act to amend the first, second, third, fourth, eighth, thirteenth and seventeenth sections of an act entitled an act to authorize aid to the construction of railroads by counties and townships taking stock in and making donations to railroad companies,' approved March 17, 1875, and declaring an emergency, approved March 8, 1879."

No. 379. "An act legalizing an annexation of platted territory to the city of Logansport by resolution of the common council of May 5, 1870, and the annexation to said city of contiguous territory by proceedings before the board of commissioners of Cass county of June 13, 1870, and establishing the limits of the city of Logansport, approved March 8, 1879."

No. 39. "An act authorizing railroad companies to extend their lines and change the termini thereof, approved March 8, 1879," and have caused the same to be deposited in the office of the Secretary of State.

I have also received Joint Resolution No. 22, entitled "A joint resolution providing for the appointing by the Governor, Auditor and Secretary of State of some suitable person to survey certain lands belonging to the State," and have caused it to be deposited in the office of the Secretary of State.

I have, also, this day approved and signed Senate Bills numbered and entitled as follows:

No. 80. "An act abolishing certain offices in cities and incorporated towns in the State of Indiana, providing for the transaction of the public business pertaining thereto, and providing for the election of marshal in incorporated towns, repealing all laws and parts of laws in conflict with the provisions of this act."

No. 399. "An act providing for the submission to the electors of the State of Indiana, for ratification, the constitutional amendments proposed to and adopted by the General Assemblies of said State at the sessions of 1877 and 1879, prescribing certain duties of officers of election and others, providing penalties for violation thereof, and other provisions relating to the subject matter," and have caused the same to be deposited in the office of the Secretary of State.

I have reported my action upon all bills received from the Senate.

JAMES D. WILLIAMS.

Governor's Office, March 10, 1879.

The following message was received from the House by the Clerk thereof:

MR. PRESIDENT:

I am directed by the Speaker of the House of Representatives to inform the Senate that the House has adopted House Concurrent Resolution No. 30, appropriating money to defray the expenses of House committees on benevolent institutions.

allowing the reading clerks of the House and Senate \$1 extra per day, each, from the 9th day of January until fixed by law.

The following message was received from the House by the Clerk thereof:

MR. PRESIDENT:

I am directed by the Speaker of the House to inform the Senate that he has signed enrolled Senate acts Nos. 23, 43, 347, 365, 270, 442, 136, 140, 27 and 65.

Also, enrolled House acts Nos. 126, 578 and 195.

And the same are herewith transmitted to the Senate for the signature of the President thereof.

The question recurring on the amendment of Mr. Fowler, the ayes and noes were demanded by Messrs. Langdon and Fowler, which being ordered and taken resulted as follows:

Those who voted in the affirmative were: Senators Briscoe, Burrell, Cadwallader, Coffey, Comstock, Davenport, Donham, Fowler, Garrigus, Grubbs, Harris, Kahlo, Kramer, Langdon, Leeper, Major, Mercer, Moore, Olds, Peterson, Poindexter, Ragan, Reeve, Reiley, Sarnighausen, Shaffer, Shirk, Smith, Tarlton, Taylor, Traylor, Treat, Urmstan, Wilson and Wood—35.

Senator Hefren voting in the negative.

The amendment was agreed to.

The resolution as amended was then agreed to.

Mr. Reeve moved that Senate Bill No. 425, entitled "An act for redistricting and laying out of wards in cities of not less than nine thousand nor more than thirteen thousand inhabitants," etc., be taken up and the vote by which it was ordered engrossed reconsidered.

Which was agreed to.

Mr. Comstock moved to indefinitely postpone the bill.

Mr. Burrell demanded a call of the Senate, which being taken, discovered thirty-seven Senators present.

Mr. Harris moved that further proceedings under the call be dispensed with.

Messrs. Kent and Briscoe demanded the ayes and noes, which being ordered and taken, resulted as follows:

Those who voted in the affirmative were: Senators Cadwallader, Comstock, Davenport, Davis, Garrigus, Grubbs, Harris, Kahlo,

MR. PRESIDENT:

Your special committee to whom was referred Concurrent House Resolution making an allowance to Secretaries and Journal Clerks of the House and Senate therein named, for indexing and completing Journals after adjournment, with the amendments offered in the Senate, the substitutes and amendments thereto of the Senate, to said House resolution, have had the same under consideration and a majority have instructed me to report the same back with the recommendation that the Senate amendments and substitute with amendments be laid on the table.

That the House resolution be amended as follows:

First. Strike out after the word "therein," down to the word "Webster," and insert the "Secretary and Journal Clerk of the Senate."

Second. Strike out the words "three hundred," and insert "one hundred and fifty."

Third. Add to the resolution the following: "The Auditor, Secretary and Treasurer of State are hereby appointed a committee to examine the index to be so prepared, and to require a full and convenient index, and that when such an index is made to their full approval, they shall so certify in writing, and thereon warrant shall issue for the allowance here made, and no pay shall be allowed until the work here required shall be completed to their approval."

And when so amended that the resolution be adopted.

Mr. Major, from the special committee, submitted the following report:

MR. PRESIDENT:

Your committee, to whom was referred Senate resolution authorizing D. D. Dale and Olney Newell to index the Journal of the Senate, have made a majority report, and I desire to present a minority report to have the resolution read that D. D. Dale, Principal Secretary, and Charles W. Ward, Assistant Secretary, be instructed to do the said work, for the reason that the Assistant Secretary of the Senate has heretofore assisted the Principal Secretary to do said work, and that said Assistant Secretary has charge of the Journal of this Senate, and that he is responsible for the correct keeping of said Journal, and that to take the records from him and authorize any one else to complete the work thereon, would be wrong and contrary to precedent.

Mr. Viehe, from the committee on the organization of courts, reported back a number of petitions from the citizens of Allen county,

Indiana, relating to the abolishment of the criminal court of said county.

Which were placed on file without reading.

Mr. Kahlo moved to take up House joint resolution No. 22, in relation to the disincorporation of the Woodburn Sarven Wheel Company.

Which was agreed to.

The resolution was read.

Mr. Reeve moved to amend by making the members of the corporation individually liable.

Which was accepted, and the resolution passed by the following vote:

Those who voted in the affirmative were: Senators Benz, Briscoe, Burrell, Cadwallader, Coffey, Comstock, Davenport, Davis, Donham, Foster, Fowler, Garrigus, Grubbs, Harris, Hart, Kahlo, Kramer, Langdon, Leeper, Major, Menzies, Mercer, Moore, Olds, Peterson, Poindexter, Ragan, Reeve, Reiley, Sarnighausen, Shaffer, Shirk, Smith, Tarlton, Traylor, Treat, Wilson, Winterbotham and Wood—39.

Senator Hefron voting in the negative.

Leave of absence was asked and obtained for Mr. Viehe for to-day and for Mr. Winterbotham until Wednesday morning.

On motion of Mr. Burrell House Bill No. 22, in reference to exemption of property, was read the second time, with the report of the committee.

Mr. Reeve offered the following amendment:

"Sec. 1. As to all debts and contracts made after the taking effect of this act, there shall be exempt from sale on execution or any final process of a court except orders of sale made by a court where fraud is charged, or the order of sale is directed on account of fraud in the defendant, the homestead owned by every resident householder or head of a family, whether occupied by the owner in person or by his or her tenant or employe, with the residence and furniture therein, and the outbuildings thereon, the residence and lands therewith, however, not to exceed forty acres of land.

"Sec 2. All laborers and mechanics and other persons shall be entitled to have exempt from seizure or sale the tools or teams with which they labor, not exceeding three hundred dollars in value, and the household furniture used and kept in his residence for use.

"Sec. 3. No existing debt or judgment, execution or writ shall be effected by this act, but proceeding may be had in relation thereto as if this act had not been passed, and resident householders may have the benefit of the law now existing as if this act had not been passed."

Mr. Harris offered the following:

That this bill and all other bills on this subject be referred to a committee, with direction to frame a bill so as to exempt a tract of land or lot not exceeding forty acres in area, or worth more than \$1,000, in order that such property shall only be exempt while occupied by the householder as a home for himself and family. That in order to secure a homestead the homestead shall be recorded by metes and bounds in the recorder's office.

Mr. Wilson moved that the bill and amendments, and bill No. 248, lie on the table, and one hundred copies be printed of each.

Which was agreed to.

On motion of Mr. Coffey, House Bill No. 261, entitled "A bill for an act entitled an act in relation to fences and hedges along public highways, was taken up and read the second time, with the report of the committee recommending its passage.

Which was concurred in.

The Chair appointed in place of Mr. Olds, on the benevolent institution investigating committee, Mr. Smith.

Mr. Fowler moved that House Concurrent Resolution No. 25, in relation to the payment of Henry Schnull, proprietor of the Occidental Hotel, for the use of committee rooms, the sum of one hundred and eighty-five dollars.

Which was agreed to.

Mr. Fowler offered the following amendment:

Amend by adding after the word "proprietor" in line five, the following: "And to George F. Pfingst, proprietor of the Grand Hotel, the sum of two hundred dollars, for rent of Senate committee rooms."

Mr. Langdon offered the following amendment to the amendment:

Amend by adding: *Provided*, That before said proprietors shall receive the same, or any part thereof, he shall furnish a full and true account of all money or allowances received or made by him or his agents from or to persons occupying said committee rooms, or

any of them, since the date of the hiring of said rooms by the Senate, and that there shall be deducted from said two hundred dollars the amount of said money or allowances.

Mr. Burrell moved to reject the amendment of Mr. Langdon.

The ayes and noes were demanded by Messrs. Burrell and Langdon, which being ordered and taken, resulted as follows:

Those who voted in the affirmative were: Senators Burrell, Cadwallader, Comstock, Donham, Fowler, Grubbs, Harris, Hefron, Kahlo, Kramer, Major, Moore, Olds, Peterson, Reeve, Sarnighausen, Shaffer, Tarlton, Traylor, Urmstan and Wood—21.

Those who voted in the negative were: Senators Coffey, Davenport, Davis, Foster, Garrigus, Langdon, Mercer, Poindexter, Ragan, Reiley, Shirk, Smith, Taylor, Treat and Wilson—15.

The motion to reject was agreed to.

The following message was received from the House by the clerk thereof:

MR. PRESIDENT:

I am directed by the Speaker of the House to inform the Senate that the Speaker has signed enrolled House Concurrent Resolution No. 23, relative to the pay of the reading clerks of the House and Senate.

Also, that the House has adopted House Concurrent Resolution No. 27, making an allowance for the Clerk and Assistant Clerk of the House for indexing the Journal, etc.

Also, House Concurrent Resolution No. 28, allowing the members of the prison committee of the House ten dollars each to pay their expenses in visiting the State's Prisons, North and South.

Also, House Concurrent Resolution No. 29, appropriating certain amounts for mileage and other expenses in the State House investigation.

And the same are herewith transmitted to the Senate for its action thereon.

The following message was received from the House by the Clerk thereof:

MR. PRESIDENT:

I am directed by the Speaker of the House of Representatives, to inform the Senate that the House has concurred in the amendments of the Senate to engrossed House concurrent resolution No. 23,

allowing the reading clerks of the House and Senate \$1 extra per day, each, from the 9th day of January until fixed by law.

The following message was received from the House by the Clerk thereof:

MR. PRESIDENT:

I am directed by the Speaker of the House to inform the Senate that he has signed enrolled Senate acts Nos. 23, 43, 347, 365, 270, 442, 136, 140, 27 and 65.

Also, enrolled House acts Nos. 126, 578 and 195.

And the same are herewith transmitted to the Senate for the signature of the President thereof.

The question recurring on the amendment of Mr. Fowler, the ayes and noes were demanded by Messrs. Langdon and Fowler, which being ordered and taken resulted as follows:

Those who voted in the affirmative were: Senators Briscoe, Burrell, Cadwallader, Coffey, Comstock, Davenport, Donham, Fowler, Garrigus, Grubbs, Harris, Kahlo, Kramer, Langdon, Leeper, Major, Mercer, Moore, Olds, Peterson, Poindexter, Ragan, Reeve, Reiley, Sarnighausen, Shaffer, Shirk, Smith, Tarlton, Taylor, Traylor, Treat, Urmstan, Wilson and Wood—35.

Senator Hefren voting in the negative.

The amendment was agreed to.

The resolution as amended was then agreed to.

Mr. Reeve moved that Senate Bill No. 425, entitled "An act for redistricting and laying out of wards in cities of not less than nine thousand nor more than thirteen thousand inhabitants," etc., be taken up and the vote by which it was ordered engrossed reconsidered.

Which was agreed to.

Mr. Comstock moved to indefinitely postpone the bill.

Mr. Burrell demanded a call of the Senate, which being taken, discovered thirty-seven Senators present.

Mr. Harris moved that further proceedings under the call be dispensed with.

Messrs. Kent and Briscoe demanded the ayes and noes, which being ordered and taken, resulted as follows:

Those who voted in the affirmative were: Senators Cadwallader, Comstock, Davenport, Davis, Garrigus, Grubbs, Harris, Kahlo,

Langdon, Moore, Olds, Poindexter, Ragan, Shaffer, Shirk, Smith, Taylor, Treat and Wilson—19.

Those who voted in the negative were: Senators Briscoe, Burrell, Coffey, Donham, Fowler, Hefron, Kent, Kramer, Leeper, Major, Mercer, Peterson, Reeve, Reiley, Tarlton, Traylor, Urmstan and Wood—18.

The motion was agreed to.

The question recurring on the motion to indefinitely postpone.

Mr. Comstock demanded the previous question.

Messrs. Burrell and Harris demanded the ayes and noes, which being ordered and taken, resulted as follows:

Those who voted in the affirmative were: Senators Cadwallader, Comstock, Davenport, Garrigus, Grubbs, Harris, Kahlo, Langdon, Mercer, Moore, Olds, Poindexter, Ragan, Shaffer, Shirk, Smith, Taylor, Treat and Wilson—19.

Those who voted in the negative were; Senators Briscoe, Burrell, Coffey, Davis, Donham, Fowler, Hefron, Kent, Kramer, Leeper, Major, Peterson, Reeve, Reiley, Tarlton, Traylor, Urmstan and Wood—18.

The previous question was seconded.

The question being, shall the main question be now put?

The ayes and noes were demanded by Messrs. Kent and Tarlton, which being ordered and taken resulted as follows:

Those who voted in the affirmative were: Senators Cadwallader, Comstock, Davenport, Garrigus, Grubbs, Harris, Kahlo, Langdon, Mercer, Moore, Olds, Poindexter, Ragan, Shaffer, Shirk, Smith, Taylor, Treat and Wilson—19.

Those who voted in the negative were: Senators Briscoe, Burrell, Coffey, Davis, Donham, Fowler, Hefron, Kent, Kramer, Leeper, Major, Peterson, Reeve, Reiley, Tarlton, Traylor, Urmstan and Wood—18.

The main question was ordered.

The question recurring on the motion of Mr. Harris to indefinitely postpone.

The ayes and noes were demanded by Messrs. Harris and Kahlo, which being ordered and taken, resulted as follows:

Those who voted in the affirmative were: Senators Cadwallader, Comstock, Davenport, Davis, Garrigus, Grubbs, Harris, Kahlo,

Langdon, Mercer, Moore, Olds, Poindexter, Ragan, Shaffer, Shirk, Smith, Taylor, Treat and Wilson—20.

Those who voted in the negative were: Senators Briscoe, Burrell, Coffey, Donham, Foster, Fowler, Hefron, Kent, Kramer, Leeper, Major, Peterson, Reeve, Reiley, Tarlton, Traylor, Urman and Wood—18.

The motion to indefinitely postpone was agreed to.

The following message was received from the House by the Clerk thereof:

MR. PRESIDENT:

I am directed by the Speaker of the House to inform the Senate that the House has concurred in Senate amendments to House Concurrent Resolutions Nos. 24 and 22.

The Lieutenant-Governor laid before the Senate the following communication:

Gentlemen of the Senate:

I have drawn warrants on the Auditor of State for the regular session as follows:

Per diem of Senators.....	\$18,246 00
Mileage of Senators.....	1,968 00
Per diem of officers.....	1,464 00
Mileage of officers.....	34 00
Per diem of employes.....	7,129 30
Allowed by resolution for per diem to Reading Clerk.....	61 00

Total..... \$28,902 30

The number of warrants, the specified amounts thereof and to whom payable are set forth upon the accompanying ledger kept by the Assistant Secretary of the Senate.

Attest: ISAAC P. GRAY,
President of the Senate.
C. W. WARD,
Assistant Secretary of the Senate.

Mr. Fowler moved to take up House Resolution No. 32, in relation to adjournment *sine die*.

Which was agreed to.

The resolution was read and adopted.

Mr. Harris moved the Senate adjourn.

Which was agreed to.

(Approved.)

ISAAC P. GRAY,
President of the Senate.

SENATE JOURNAL

OF THE

SPECIAL SESSION

OF THE

FIFTY-FIRST GENERAL ASSEMBLY,

BEGUN

TUESDAY, MARCH 11, 1879.

SPECIAL SESSION.

TUESDAY MORNING.

MARCH 11, 1879.

Senate met in special session at 9 o'clock A. M. Lieutenant-Governor Gray in the chair.

The President directed a call of the Senate. The following Senators responded to the call of the roll:

Senators Benz, Briscoe, Burrell, Cadwallader, Coffey, Comstock, Davis, Dice, Donham, Foster, Fowler, Garrigus, Grubbs, Harris, Hart, Hefron, Kahlo, Kent, Kramer, Leeper, Major, Menzies, Mercer, Olds, Peterson, Sarnighausen, Shaffer, Smith, Tarlton, Taylor, Traylor, Treat, Trusler, Urmstan, Viehe, Wilson, Wood and Woollen—42.

Mr. Reeve offered the following resolution:

Resolved, That Daniel D. Dale, Principal Secretary, Charles W. Wood, Assistant Secretary, and Richard Huncheon, Doorkeeper of the Senate during the fifty-first regular session of the General Assembly of the State of Indiana, severally, be and they are hereby chosen as Principal Secretary, Assistant Secretary and Doorkeeper for the special session of said Assembly, 1879, now convened in the order above named, to act as such officers, severally, the same as in and during said regular session.

The question being on the adoption of the resolution.

The ayes and noes were ordered and taken, resulting as follows:

Those who voted in the affirmative were: Senators Benz, Briscoe, Burrell, Coffey, Davis, Dice, Donham, Fowler, Grubbs, Hart, Hefron, Kahlo, Kent, Kramer, Leeper, Major, Menzies, Olds, Peterson, Poindexter, Ragan, Reeve, Reiley, Sarnighausen, Shaffer, Smith, Tarlton, Traylor, Trusler, Urmstan, Viehe, Wilson, Wood and Woollen—34.

Those who voted in the negative were: Senators Cadwallader, Comstock, Foster, Garrigus, Harris, Mercer, Moore, Taylor and Treat—9.

The resolution was adopted.

The oath of office was then administered to Messrs. Ward and Huncheon by Hon. W. E. Niblack.

Mr. Viehe offered the following resolution:

Resolved, That the rules for the government of the Senate at the last regular session of the General Assembly, be and are hereby adopted for the government of the special session.

Mr. Harris offered the following:

Resolved, That at the special session we will take up the following bills in the following order:

First. State House bill.

Second. General appropriation bill.

Third. Specific appropriation bill, and that we will continue their consideration from day to day till all are completed.

Mr. Burrell moved to refer to a committee of seven, three Democrats, three Republicans, and one National, with instructions to report this afternoon what business shall be advanced on the calendar.

Mr. Reeve offered the following substitute:

Resolved, That it is the sense of the Senate that the bills pending on the calendar of the regular session should be disposed of as if filed at this session, and that the most important shall have precedence, and to that end a committee of seven Democrats, six Republicans and one National be appointed by the chair to select such measures as they deem of most importance, and that the same be advanced on the calendar and have precedence in such order over all other business.

Mr. Coffey moved the previous question.

Which was seconded by the Senate.

The main question being ordered, the substitute was rejected.

The motion of Mr. Burrell was then also rejected.

The question being on the resolution offered by Mr. Harris.

The ayes and noes were demanded by Messrs. Kahlo and Dice, which being ordered and taken, resulted as follows:

Those who voted in the affirmative were: Senators Briscoe, Dice,

Garrigus, Harris, Kahlo, Menzies, Mercer, Moore, Olds, Peterson, Poindexter, Ragan, Smith, Taylor, Trusler and Wilson—16.

Those who voted in the negative were: Senators Benz, Burrell, Cadwallader, Coffey, Comstock, Davis, Donham, Foster, Fowler, Grubbs, Hart, Hefron, Kent, Kramer, Leeper, Major, Reeve, Reiley, Sarnighausen, Shaffer, Tarlton, Traylor, Treat, Urmstan, Viehe, Wood and Woollen—27.

The resolution was rejected.

Mr. Leeper offered the following:

To suspend the order of business that the Senate take up and proceed to the consideration of the bill in relation to the new State House, and demanded the previous question.

Which was seconded by the Senate.

The main question being ordered.

Messrs. Reeve and Kahlo demanded the ayes and noes, which being ordered and taken, resulted as follows:

Those who voted in the affirmative were: Senators Benz, Briscoe, Cadwallader, Coffey, Comstock, Davis, Dice, Donham, Foster, Fowler, Garrigus, Grubbs, Harris, Hart, Hefron, Kahlo, Kent, Kramer, Leeper, Major, Menzies, Mercer, Moore, Olds, Peterson, Poindexter, Ragan, Reiley, Sarnighausen, Shaffer, Smith, Taylor, Traylor, Treat, Trusler, Urmstan, Viehe, Wilson, Wood and Woollen—40.

Those who voted in the negative were: Senators Burrell, Reeve and Tarlton—3.

The motion was agreed to.

Mr. Reeve offered the following:

Resolved, That the State Treasurer be requested to inform the Senate as early as possible of the surplus, if any there will be, in the treasury at the end of each fiscal year, 1879 and 1880, under the present tax levy of twelve cents, and on the basis of the general and specific appropriation of 1877, allowing \$96,000 for Insane Asylum in place of the appropriation of 1877 for the same.

Which the chair ruled not in order.

Leave of absence was asked and obtained for Mr. Briscoe until to-morrow.

The House amendments to the Senate amendments to House Bill No. 637, the State House bill, was read.

Mr. Harris offered the following:

That we non concur in the House amendments to the bill in striking out three cents and inserting two cents, and that a committee of conference be appointed.

Mr. Dice moved that the Senate concur in the House amendment.

The following message was received from the House by the clerk thereof:

MR. PRESIDENT:

I have the honor to inform the Senate that the House of Representatives has organized by electing Hon. Henry S. Cauthorne Speaker, Webster Dixon Principal Clerk, Thomas Mays assistant clerk, and David B. Wilson Doorkeeper, and the House is now ready for the transaction of business.

Mr. Dice demanded the previous question.

Mr. Reeve demanded a call of the Senate, which being ordered and taken discovered the following Senators present and answering to their names:

Senators Benz, Burrell, Cadwallader, Coffey, Comstock, Davis, Dice, Donham, Foster, Fowler, Garrigus, Grubbs, Harris, Hart, Hefron, Kahlo, Kramer, Langdon, Leeper, Major, Menzies, Mercer, Moore, Peterson, Poindexter, Ragan, Reeve, Reiley, Sarnighausen, Shaffer, Smith, Tarlton, Taylor, Traylor, Treat, Trusler, Urmstan, Viehe, Wilson and Wood—40.

Mr. Dice moved that further proceedings under the call be dispensed with.

Which was agreed to.

The previous question was then seconded by the Senate.

The main question being ordered, **Mr. Kramer** demanded a division of the question.

The question being first on concurring in the House amendment striking out three and inserting two.

Messrs. Kahlo and Dice demanded the ayes and noes, which being ordered and taken resulted as follows:

Those who voted in the affirmative were: Senators Benz, Burrell, Cadwallader, Coffey, Comstock, Davis, Dice, Foster, Fowler, Garrigus, Hart, Hefron, Kahlo, Kramer, Langdon, Major, Mercer, Ragan, Shaffer, Tarlton, Taylor, Traylor, Treat, Trusler, Urmstan and Wilson—26.

Those who voted in the negative were: Senators Donham, Grubbs, Harris, Leeper, Menzies, Moore, Peterson, Poindexter, Reeve, Reiley, Sarnighausen, Smith, Viehe and Wood—14.

The first division was adopted.

The question being on the second division of the question, to-wit, the appropriation of \$100,000 for 1880.

Messrs. Foster and Kahlo demanded the ayes and noes, which were ordered and taken, resulting as follows:

Those who voted in the affirmative were: Senators Comstock, Dice, Garrigus, Grubbs, Harris, Hefron, Kahlo, Langdon, Mercer, Moore, Peterson, Ragan, Shaffer, Smith, Taylor, Traylor, Treat and Trusler—18.

Those who voted in the negative were: Senators Benz, Burrell, Cadwallader, Coffey, Davis, Donham, Foster, Fowler, Hart, Kramer, Leeper, Major, Menzies, Poindexter, Reeve, Reiley, Sarnighausen, Tarlton, Urmstan, Viehe, Wilson and Wood—22.

The second division was rejected.

Mr. Harris withdrew his motion and moved for a committee of conference.

Which was agreed to.

The chair appointed as such committee Messrs. Harris and Hefron.

Mr. Grubbs moved for leave of absence for Mr. Kahlo until Thursday at noon.

The ayes and noes were demanded by Messrs. Traylor and Wilson, which being ordered and taken resulted as follows:

Those who voted in the affirmative were: Senators Cadwallader, Comstock, Davis, Dice, Donham, Foster, Fowler, Garrigus, Grubbs, Harris, Hart, Hefron, Langdon, Leeper, Major, Menzies, Mercer, Moore, Peterson, Poindexter, Reeve, Sarnighausen, Shaffer, Smith, Tarlton, Taylor, Treat, Trusler, Urmstan, Wilson and Wood—32.

Those who voted in the negative were: Senators Benz, Burrell, Coffey, Kramer, Ragan, Reiley and Traylor—7.

The motion was agreed to.

Mr. Sarnighausen offered the following:

Resolved, That the Secretary be and is hereby instructed to inform the House that the Senate has organized and is now ready to proceed with business.

Which was agreed to.

Mr. Hefron offered the following:

MR. PRESIDENT:

I hereby give notice that on to-morrow, March 12, 1879, at 10 o'clock A. M., I will move to amend rule 19 of the Senate so as to add after the word "vote," in line 2, the words "without explanation."

Mr. Wood asked for leave of absence for Mr. Fowler till to-morrow night.

Which was agreed to.

The Senate adjourned.

AFTERNOON SESSION.

MARCH 11, 1879.

Senate reassembled at 2 o'clock, P. M., Lieutenant-Governor Gray in the chair.

Mr. Grubbs, from the committee on the examination and correction of the Journal of the Senate, submitted the following report:

MR. PRESIDENT:

Your committee on the examination and correction of the Journal of the Senate for Friday, March 7, 1879, and Saturday, March 8, 1879, submit the following report. They have discovered errors in the Journal of Friday, and recommend corrections as follows:

First. In line 3, page 10, for "Daviess county" substitute "Greene county."

Second. On page 12 after the word "amendments" add the words "be taken up," also, after the word "amendments" add the words "of the House."

Third. On page 22 the Journal shows a call of the House ordered and 43 Senators present, but does not show who were present. We recommend that the Journal be amended to show those present and answering to their names.

Fourth. On page 46, in line 2, after the word "the" insert the words "second and," so that it will show that House bill No. 126 was read the second and third time.

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Fifth. On page 64, among Senators voting in the negative, insert the name of "Viehe."

Sixth. At the conclusion of page 65 insert "the question recurring on the motion of Mr. Harris, the ayes and noes were taken and resulted as follows."

Seventh. On page 67 strike out first three lines.

Eighth. On page 90 a call of the Senate was demanded and taken. We recommend that the Journal show Senators present and answering to their names.

We recommend amendments and corrections of Saturday's Journal as follows:

First. On page 10, in line 3, strike out the word "have" and insert "reported that they."

Second. On page 14 strike out the first two lines.

Third. On page 18, line 8, strike out the word "order" and insert "question."

Fourth. On page 26, in line 5, after the word "Milroy," insert "who was present on the floor of the Senate."

Fifth. On page 28, last line, strike out the words "agreed to" and insert "rejected," and show that Senate adjourned.

Sixth. On page 29, line 3, strike out "a. m." and insert "p. m."

Seventh. On page 35, after the word "report" in line 3, insert the words "in the election case of Sansbury vs. Smith."

Eighth. On page 37, in line 13, strike out "20" and insert "21."

Ninth. On page 62, in line 5, after the word "Senators" insert "from this State."

Tenth. On page 70, in line 13, after the word "was" insert the word "not."

We also find two pages in the Journal not numbered and without connection.

We recommend that when the Journal is corrected as herein indicated, it be approved.

GEORGE W. GRUBBS.
J. SARNIGHAUSEN,
F. W. VIEHE,
C. B. TARLTON.

Which was concurred in.

Mr. Shaffer moved that the Senate take up House bills on first reading.

Mr. Kramer moved to amend by taking up House bills on third reading.

The ayes and noes were demanded by Messrs. Coffey and Burrell, which being ordered and taken resulted as follows:

Those who voted in the affirmative were: Senators Benz, Cadwallader, Dice, Foster, Garrigus, Kent, Langdon, Mercer, Moore, Olds, Poindexter, Ragan, Reiley, Shaffer, Shirk, Smith, Streight, Taylor, Treat, Trusler and Wood—21.

Those who voted in the negative were: Senators Burrell, Coffey, Comstock, Davis, Donham, Harris, Hart, Hefron, Kramer, Leeper, Major, Menzies, Peterson, Reeve, Sarnighausen, Tarlton, Traylor, Urmstan, Viehe and Wilson—20.

The substitute was adopted.

Mr. Langdon gave the following notice:

I hereby give notice that I shall, on Thursday, the 13th day of March, 1879, or as soon thereafter as I can obtain the floor, move to amend Rule No. 49 of the rules and orders for the government of the Senate so as to read as follows:

“49. No standing rule or order of the Senate shall be rescinded or changed without one day’s notice being given of the motion therefor, nor shall the order of business as established by the rules be changed or suspended, except by a vote of (at) least two-thirds of the members present: *Provided*, The rule shall not apply to any appropriation or apportionment bills or the State House bill.”

Engrossed House Bill No. 228, entitled “An act to enable the Superintendent of Public Instruction and the Auditor of Adams county to reopen the account between Adams county and the State,” etc., was read the third time.

The question being, shall the bill pass?

The ayes and noes were ordered and taken resulting as follows:

Those who voted in the affirmative were: Senators Benz, Burrell, Comstock, Davis, Donham, Foster, Garrigus, Harris, Hart, Hefron, Kahlo, Kent, Kramer, Langdon, Leeper, Major, Menzies, Mercer, Moore, Peterson, Ragan, Reeve, Reiley, Sarnighausen, Shaffer, Shirk, Smith, Tarlton, Taylor, Traylor, Trusler, Urmstan, Viehe, Weir, Wilson and Wood—36.

Senator Olds voting in the negative.

The bill passed.

The title was then read and ordered by the Senate to stand approved.

Leave of absence was asked and obtained for Mr. Grubbs and to-morrow.

House Bill No. 158 in relation to settlements made by boards of county commissioners, etc., was read with the report of the committee recommending its passage, after certain amendments.

Mr. Moore offered a substitute for the report of the committee, which was also read.

Mr. Garrigus, from the committee to wait on the Governor, reported that the Governor wishes to deliver his message to the General Assembly at 3:30 o'clock.

The following message was received from the House by the Clerk thereof:

MR. PRESIDENT:

I am directed by the Speaker of the House of Representatives to request the Senate to meet the House in joint convention in the hall of the House of Representatives, at 3:30 o'clock this, Tuesday, afternoon, to receive such message as His Excellency, the Governor, may deem proper to make to the General Assembly.

Mr. Moore moved that the invitation be accepted.

Which was agreed to.

A committee from the House announced that the House was ready to receive the Senate to hear the message of His Excellency the Governor, and the Senate in a body proceeded to the hall of the House.

In the Hall of the House of Representatives, the Lieutenant-Governor in the chair, by consent appointed a committee to wait on the Governor, consisting of Senator Wood and Representatives Lehman and Golden.

Mr. Wood, from the committee, reported that the Governor would transmit his message by the executive messenger.

The message was read by the Clerk of the House.

The Lieutenant-Governor declared the Joint Convention adjourned, it having transacted the business for which it was convened, when the Senators returned to the Senate Chamber, and the consideration of House Bill No. 158 was resumed.

Mr. Foster demanded the previous question, which was seconded by consent.

The main question was ordered.

The question being on the adoption of the substitute.

The ayes and noes were demanded by Messrs. Coffey and Burrell, which being ordered and taken resulted as follows:

Those who voted in the affirmative were: Senators Benz, Cadwallader, Dice, Foster, Garrigus, Kent, Langdon, Mercer, Moore, Olds, Poindexter, Ragan, Reiley, Shaffer, Shirk, Smith, Streight, Taylor, Treat, Trusler and Wood—21.

Those who voted in the negative were: Senators Burrell, Coffey, Comstock, Davis, Donham, Harris, Hart, Hefron, Kramer, Leeper, Major, Menzies, Peterson, Reeve, Sarnighausen, Tarlton, Traylor, Urmstan, Viehe and Wilson—20.

The substitute was adopted.

Mr. Langdon gave the following notice:

I hereby give notice that I shall, on Thursday, the 13th day of March, 1879, or as soon thereafter as I can obtain the floor, move to amend Rule No. 49 of the rules and orders for the government of the Senate so as to read as follows:

“49. No standing rule or order of the Senate shall be rescinded or changed without one day’s notice being given of the motion therefor, nor shall the order of business as established by the rules be changed or suspended, except by a vote of (at) least two-thirds of the members present: *Provided*, The rule shall not apply to any appropriation or apportionment bills or the State House bill.”

Engrossed House Bill No. 228, entitled “An act to enable the Superintendent of Public Instruction and the Auditor of Adams county to reopen the account between Adams county and the State,” etc., was read the third time.

The question being, shall the bill pass?

The ayes and noes were ordered and taken resulting as follows:

Those who voted in the affirmative were: Senators Benz, Burrell, Comstock, Davis, Donham, Foster, Garrigus, Harris, Hart, Hefron, Kahlo, Kent, Kramer, Langdon, Leeper, Major, Menzies, Mercer, Moore, Peterson, Ragan, Reeve, Reiley, Sarnighausen, Shaffer, Shirk, Smith, Tarlton, Taylor, Traylor, Trusler, Urmstan, Viehe, Weir, Wilson and Wood—36.

Senator Olds voting in the negative.

The bill passed.

The title was then read and ordered by the Senate to stand approved.

Engrossed House Bill No. 303, entitled "A bill for an act to legalize the acts and proceedings of the boards of trustees," etc. was read the third time.

The question being, shall the bill pass?

The ayes and noes were ordered and taken, resulting as follows:

Those who voted in the affirmative were: Senators Benz, Burrell, Comstock, Davis, Donham, Foster, Garrigus, Harris, Hart, Hefron, Kent, Kramer, Langdon, Leeper, Major, Menzies, Mercer, Moore, Peterson, Reiley, Sarnighausen, Shaffer, Shirk, Smith, Streight, Tarlton, Taylor, Traylor, Trusler, Urmstan, Viehe, Wilson and Wood—33.

Those who voted in the negative were: Senators Olds and Ragan—2.

The bill passed.

The title was then read and ordered by the Senate to stand approved.

The following message was received from the House by the Clerk thereof:

MR. PRESIDENT:

I am directed by the Speaker of the House to inform the Senate that the House has passed engrossed House Bill No. 397, entitled "An act to require petitioners praying for the location, vacation or change of any highway to give bond for costs in certain cases," etc.

Also, engrossed House Bill No. 583, entitled "An act to authorize incorporated towns to contract and pay for the lighting of the streets with gas in certain cases, and to levy and collect a special tax for the payment of the same."

Also, engrossed House Bill No. 192, entitled "An act to legalize the incorporation of the town of Butler, in DeKalb county, in the State of Indiana, and to legalize each and every official act of the several boards of trustees of said town and all official acts of each and every officer of said town and other matters properly connected therewith."

Also, engrossed House Bill No. 621, entitled "An act to legalize the assessment and levy of taxes made by the common council of the city of Kendalville for general city purposes and paying the interest and creating a sinking fund for the payment of the principal on certain bonds issued by the common council of said city to the Grand Rapids and Indiana railroad for the year 1877."

Also, engrossed House Bill No. 238, entitled "An act to amend section 647 of an act entitled an act to revise, simplify, abridge the rules, practice, pleadings and forms in civil cases in the courts of this State," etc.

Also, Engrossed House Bill No. 610, entitled "An act to legalize the election of the board of trustees and all other officers of the town of Paoli, Orange county, Indiana, for the years 1878 and 1879, and to legalize all their official acts, by-laws or ordinances, regulations and proceedings, passed and executed by them under and in pursuance of an act entitled an act for the incorporation of towns, defining their powers, providing for the election of officers thereof, and declaring their duties, approved June 11, 1852."

And the same are herewith transmitted to the Senate for its action thereon.

Also, that the House has passed Engrossed Senate Bill No. 180, entitled "An act in relation to divorces, nullification of marriages," etc.

And the same is herewith returned to the Senate.

On motion of Mr. Menzies, House Joint Resolution No. 27, relating to the expenses of the State House investigating committee, was taken up and read, and was referred to the committee on finance, with instruction to report to-morrow afternoon.

On motion of Mr. Foster, the House amendments to Senate Bill No. 22, legalizing the acts of the board of trustees of the town of New Haven, in Allen county, was concurred in.

On motion of Mr. Harris, House amendments to Senate Bill No. 158, relating to married women, were read.

Mr. Harris moved to non-concur, and asked for a conference committee.

Which was agreed to.

The chair appointed Messrs. Harris and Menzies the committee on the part of the Senate.

The Senate adjourned.

(Approved.)

ISAAC P. GRAY,
President of the Senate.

WEDNESDAY MORNING.

MARCH 12, 1879.

The Senate met at 9 o'clock, A. M., Lieutenant-Governor Gray in the chair.

The Journal of yesterday was read and approved.

Mr. Shirk presented a memorial from the Western Yearly Meeting of Friends, held at Plainfield, Indiana, from the 13th to 19th of September, 1878, on the constitutional amendment to prevent intemperance.

Which was read and referred to the committee on temperance.

Also, a petition from the same meeting on the subject of capital punishment.

Which was read and referred to the committee on the judiciary.

Mr. Treat presented a petition from citizens of Clarke county, Indiana, on the subject of temperance.

Which was referred to the committee on temperance without reading.

Mr. Shirk introduced Senate Bill No. 444, entitled "An act to provide for the organization and support of an asylum for feeble-minded children, to provide for the appointment by the Governor of a board of trustees of the Soldiers' Orphans' Home and for said asylum, and to abolish the office of trustee of the Soldiers' Orphans' Home, and to repeal the act on the same subject, approved May 7, 1877, and declaring an emergency."

Read the first time and referred to the committee on benevolent institutions.

The chair re-appointed the same members on the several standing committees of the Senate for the special session as those who were appointed for the regular session.

The chair, also, re-appointed James Dougherty, Daniel Diller, Fred. Faut and Claude Douglass as pages for the special session.

Mr. Wood introduced a joint resolution in relation to the drainage of swamp lands, and requesting the Legislature of the State of

Illinois to adopt some measure to remove the dam across the Kankakee river at the town of Momence, Illinois, and other matters in relation thereto.

Which was read.

Mr. Comstock moved that the resolution be referred to a special committee of three.

Which was agreed to.

The chair announced as such special committee Messrs. Wood, Langdon and Leeper.

Mr. Foster offered the following resolution:

WHEREAS, The Senate has surrendered its committee rooms, and

WHEREAS, There will be no work for the clerks of the committees at this special session; therefore,

Resolved, That the several chairmen are hereby directed not to employ clerks at this special session.

Mr. Benz moved to lay the resolution on the table.

The ayes and noes were demanded by Messrs. Burrell and Foster, which being ordered and taken, resulted as follows:

Those who voted in the affirmative were: Senators Benz, Briscoe, Burrell, Cadwallader, Coffey, Comstock, Davis, Donham, Grubbs, Hefron, Kent, Kramer, Leeper, Major, Menzies, Peterson, Reeve, Reiley, Sarnighausen, Shaffer, Shirk, Smith, Streight, Tarlton, Taylor, Traylor, Trusler, Urmstan, Viehe, Wood and Woollen—31.

Those who voted in the negative were; Senators Dice, Foster, Garrigus, Hart, Langdon, Mercer, Moore, Olds, Ragan, Treat and Wilson—11.

The motion was agreed to.

Mr. Olds offered the following resolution:

Resolved by the Senate of the State of Indiana, That the Secretary of the Senate be required to keep on hand a sufficient quantity of lithographed letter heads and envelopes for the use of the Senate during the present special session to be procured through the State's printing board.

The question being on the adoption of the resolution.

The ayes and noes were demanded by Messrs. Foster and Traylor, which being ordered and taken, resulted as follows:

Those who voted in the affirmative were: Senators Benz, Briscoe, Cadwallader, Davis, Donham, Hebron, Kent, Langdon, Leeper, Menzies, Moore, Olds, Peterson, Reeve, Reiley, Shaffer, Streight, Tarlton, Taylor, Treat, Urmstan, Viehe, Wilson and Wood—24.

Those who voted in the negative were: Senators Comstock, Foster, Garrigus, Hart, Kramer, Major, Mercer, Ragan, Sarnighansen, Shirk, Smith, Traylor, Trusler and Woollen—14.

The resolution was adopted.

House Concurrent Resolution No. 29, appropriating money for making out House calendar and abstracts of bills to accompany the same, and for preparing, indexing and reading proof of House Journal, was taken up and read.

On motion of Mr. Viehe the resolution was laid on the table.

House Joint Resolution No. 21, entitled "A Joint Resolution in regard to certain claims of citizens of Indiana," was taken up and read.

The question being on the adoption of the resolution.

The ayes and noes were demanded by Messrs. Benz and Burrell, which being ordered and taken, resulted as follows:

Those who voted in the affirmative were: Senators Benz, Burrell, Coffey, Comstock, Donham, Garrigus, Grubbs, Hart, Hebron, Kent, Kramer, Major, Menzies, Mercer, Moore, Olds, Peterson, Poindexter, Ragan, Reeve, Reiley, Shaffer, Shirk, Smith, Streight, Tarlton, Taylor, Traylor, Treat, Trusler, Viehe, Wilson, Wood and Woollen—34.

Those who voted in the negative were: Senators Briscoe, Davis, Foster and Urmstan—5.

The resolution was adopted.

House Concurrent Resolution No. 28, relating to the expenses of the House committees on State prisons, was read.

On motion of Mr. Burrell it was referred to the committee on finance.

House Concurrent Resolution No. 31, authorizing the Speaker of the House to draw his warrant for certain amounts therein specified, was read.

Mr. Foster moved that it be referred to the committee on finance. Which was agreed to.

House Concurrent Resolution No. 30, relating to the expenses of the House committee on education, was read.

On motion of Mr. Burrell it was referred to the committee on finance.

Mr. Hefron moved to take up his motion to amend rule 19 of the Senate.

Mr. Benz moved to lay the motion on the table.

Which was agreed to.

Engrossed House Bill No. 20, entitled "An act providing for the establishment of a bureau of statistics and geology, creating the office of chief of such department," etc., was taken up and read the first time and referred to the committee on statistics, with instructions to report to-morrow morning.

Mr. Coffey, from the joint committee on enrolled bills, submitted the following report:

MR. PRESIDENT:

Your joint committee on enrolled bills have examined enrolled Senate bill No. 180, and find the same to be correctly enrolled.

Engrossed House Bill No. 58, entitled "An act to amend an act entitled an act declaring agreements to pay attorney's fees contained in any bill of exchange, acceptance, draft, promissory note or written evidence of indebtedness, illegal and void, and declaring an emergency," was read the first time and referred to the committee on rights and privileges.

Engrossed House Bill No. 47, entitled "An act to enable the owners of wet lands to drain and reclaim the same when the same can not be done without affecting the lands of others, prescribing the powers and duties of county boards and other officers in the premises, to provide for the repairs of such drains," etc., was read the first time and referred to the committee on swamp lands.

Engrossed House Bill No. 82, entitled "An act in relation to foreign express companies, defining their duties and providing penalties for failing to comply with the provisions of this act," was read the first time and referred to the committee on corporations.

Engrossed House Bill No. 89, entitled "An act touching contempt of courts; prescribing penalties that may be inflicted therefor and the record of proceedings therein," was read the first time and referred to the committee on the judiciary.

Engrossed House Bill No. 114, entitled "An act to legalize and make valid the organization of certain building, loan and saving associations, and to extend the term of the existence in certain cases of all building, loan and savings associations," was read the first time and referred to the committee on the judiciary.

The following message was received from the House by the Clerk thereof:

MR. PRESIDENT:

I am directed by the Speaker of the House to inform the Senate that he has signed enrolled Senate acts Nos. 9, 180, 187 and 17.

Also, that the House has passed engrossed Senate Bill No. 280, entitled "An act supplemental to an act to establish public libraries, approved February 16, 1852, defining the powers and duties of township trustees in relation to libraries established for the use and benefit of all the inhabitants of a township by private donation," with the following amendments:

Amend by striking out the word "two," in line 4, page 2, and the word "one" insert in lieu thereof.

And the same are herewith returned to the Senate.

House amendments to Senate Bill No. 125, entitled "An act providing for the punishment of persons in possession of stolen property," etc., were read.

Mr. Benz moved to lay the amendments on the table.

Which was rejected.

Mr. Foster moved to concur in the amendments.

The question being on concurring in the amendments, Mr. Reeve offered the following amendment to the amendments:

That the House amendments be amended by inserting in the second section, after the word "stolen," in the fifth line, the words "in any other State, and been brought into this State."

Which was agreed to.

Engrossed House Bill No. 138, entitled "An act authorizing and requiring township trustees to apply surplus township funds now on hand for road purposes, and to legalize such application where heretofore made."

Read the first time and referred to the committee on county and township business.

The following message was received from the House by the Clerk thereof:

MR. PRESIDENT:

• I am directed by the Speaker of the House to inform the Senate that the House has passed Engrossed House Bill No. 32, entitled "An act in relation to prosecutions of felonies by affidavit and information in certain cases."

Also, Engrossed Senate Bill No. 169, entitled "An act to prevent persons who are the mortgagors of goods and chattles, and who retain possession of the same, from running off, hiding, secreting, disposing of such property," etc.

Also, Concurrent Resolution No. 34, in relation to the pay of door-keeper and engaging committee room for the use of the investigating committee of the benevolent institutions, etc.

Also, Engrossed House Bill No. 209, entitled "An act to amend the fourth section of an act to authorize the formation of companies for the detection and apprehension of horse-thieves and other felons, and for mutual protection and other matters connected therewith."

And the same are herewith transmitted to the Senate for its action thereon.

I am further directed by the Speaker to inform the Senate that the House has concurred in Senate amendments to House Concurrent Resolution No. 25.

The Senate adjourned.

AFTERNOON SESSION.

MARCH 12, 1879.

Senate reassembled at 2 o'clock P. M., Lieutenant-Governor Gray in the chair.

Mr. Shirk, from the committee on benevolent and reformatory institutions, reported Senate Bill No. 444, entitled "An act to provide for the organization and support of an Asylum for Feeble minded Children," etc.

The report of the committee recommending its passage was read and concurred in.

Mr. Shirk moved that the constitutional rule be suspended, the bill read a second and third time now and put upon its passage.

The question being on the suspension of the constitutional rule, the ayes and noes were ordered and taken, resulting as follows:

Those who voted in the affirmative were: Senators Benz, Briscoe, Cadwallader, Coffey, Comstock, Davis, Dice, Donham, Foster, Grubbs, Harris, Hart, Hefron, Kent, Langdon, Menzies, Mercer, Moore, Peterson, Ragan, Reeve, Reiley, Sarnighausen, Shaffer, Shirk, Smith, Streight, Tarlton, Traylor, Treat, Trusler, Urmstan, Viehe, Wilson and Wood—35.

No one voting in the negative.

The constitutional rule was suspended.

Senate Bill No. 444 was read the second and third time.

The question being, shall the bill pass?

The ayes and noes were ordered and taken, resulting as follows:

Those who voted in the affirmative were: Senators Benz, Briscoe, Cadwallader, Coffey, Comstock, Davis, Donham, Garrigus, Grubbs, Harris, Kent, Langdon, Mercer, Moore, Olds, Peterson, Poindexter, Ragan, Reeve, Sarnighausen, Shaffer, Shirk, Smith, Streight, Tarlton, Treat, Trusler, Urmstan, Viehe, Wilson and Wood—31.

Those who voted in the negative were: Senators Burrell, Foster, Hart, Hefron, Kramer, Menzies, Reiley and Traylor—8.

The bill passed.

The title of the bill was then read and ordered by the Senate to stand approved.

Mr. Comstock moved to take up engrossed House amendments to engrossed Senate Bill No. 280, entitled "An act supplemental to an act to establish public libraries," etc.

Which was agreed to.

Engrossed House amendments to engrossed Senate Bill No. 280 were taken up, read and concurred in.

Mr. Harris, from the conference committee, reported Engrossed House Bill No. 637, entitled "A bill for an act providing means for the construction of the new State House," etc., the report of the committee suggesting certain amendments, was read.

The question being on concurring in the report of the committee.

Mr. Reeve offered the following:

That the bill, report and amendments be laid on the table until the Treasurer of State shall furnish the Senate with a statement showing how much surplus money, if any, will be in the State Treasury at the end of the fiscal year in 1879, and in 1880, under the existing tax levy, state resources for money after deducting the appropriations of the present Assembly, as shown by the bills, general and specific, presented for action, and that he be requested to furnish such report immediately.

The question being on the motion of Mr. Reeve.

The ayes and noes were demanded by Messrs. Reeve and Olds, which being ordered and taken, resulted as follows:

Those who voted in the affirmative were: Senators Burrell, Cadwallader, Foster, Hart, Kramer, Olds, Peterson, Poindexter, Reeve, Urmstan and Woollen—11.

Those who voted in the negative were: Senators Benz, Briscoe, Coffey, Comstock, Dice, Donham, Garrigus, Grubbs, Harris, Hefron, Kent, Langdon, Leeper, Major, Menzies, Mercer, Moore, Ragan, Reiley, Sarnighausen, Shaffer, Shirk, Smith, Streight, Tarlton, Taylor, Traylor, Treat, Trusler, Viehe and Wood—31.

The motion was rejected.

The question recurring on concurring in the report of the conference committee.

The ayes and noes were demanded by Messrs. Reeve and Olds, which being ordered and taken resulted as follows:

Those who voted in the affirmative were: Senators Comstock, Dice, Donham, Garrigus, Grubbs, Harris, Hefron, Kent, Leeper, Major, Menzies, Mercer, Moore, Peterson, Ragan, Reiley, Sarnighausen, Shaffer, Smith, Streight, Tarlton, Taylor, Urmstan and Viehe—24.

Those who voted in the negative were: Senators Benz, Briscoe, Burrell, Cadwallader, Coffey, Foster, Hart, Kramer, Langdon, Olds, Poindexter, Reeve, Shirk, Traylor, Treat, Trusler, Wilson and Wood—18.

The report was concurred in.

Mr. Harris moved to take up the specific appropriation bill.

Mr. Burrell moved to lay the motion of Mr. Harris on the table.

The ayes and noes were demanded by Messrs. Harris and Dice, which, being ordered and taken, resulted as follows:

Those who voted in the affirmative were: Senators Burrell, Comstock, Donham, Garrigus, Hart, Langdon, Reeve, Reiley, Tarrington and Wilson—10.

Those who voted in the negative were: Senators Benz, Briscoe, Cadwallader, Coffey, Davis, Dice, Foster, Grubbs, Harris, Helms, Kent, Kramer, Leeper, Major, Menzies, Mercer, Moore, Olds, Peterson, Poindexter, Ragan, Sarnighausen, Shaffer, Shirk, Smith, Streight, Taylor, Traylor, Treat, Trusler, Urmstan, Viehe and Wood—33.

The motion was rejected.

The question recurring on the motion of Mr. Harris to take up the specific appropriation bill.

It was agreed to.

Engrossed House Bill No. 640, entitled "An act making specific appropriations for the years 1879 and 1880, and directing how they shall be made," was read the second time, with the report of the committee recommending its passage with amendments.

Mr. Dice moved that the bill and report of the committee do lie on the table, and that one hundred copies of the same be printed.

Which was agreed to.

Mr. Foster moved to take up House Concurrent Resolution No. 34, relative to the hiring of rooms at the Occidental Hotel for the use of the committee appointed to investigate the benevolent institutions of the State.

Which was rejected.

Engrossed House Bill No. 179, entitled "An act to prevent the manufacture and sale of adulterated commercial fertilizers," was read the first time and referred to the committee on agriculture.

The following message was received from the House by the Clerk thereof:

MR. PRESIDENT:

I am directed by the Speaker of the House to inform the Senate that the House has passed engrossed House Bill No. 509, entitled "An act to provide for the redemption of property of foreign corporations after the same has been sold for taxes by any city, town or county treasurer of the State of Indiana."

Also, engrossed House Bill No. 473, entitled "An act to legalize errors and imperfections of descriptions of macadamized and gravel roads in articles of association of turnpike companies organized

under the laws of the State of Indiana, and to legalize errors and imperfections in the written description of the location of turnpike roads made by the board of directors of turnpike companies."

Also, engrossed House Bill No. 225, entitled "A bill to amend section 1 of an act entitled an act to prevent the spread of the Canada thistle, prescribing penalties for suffering the same to mature upon cultivated farms and public highways, and to prescribe penalties for selling seeds or grain containing Canada thistle seed, approved March 2, 1859, prescribing penalties for suffering Canada thistles to mature on lands belonging to railway companies."

Also, engrossed House Bill No. 13, entitled "A bill to amend sections 1 and 2 of an act entitled an act prescribing the manner of empanneling petit jurors, the number and compensation thereof, approved May 20, 1852."

Also, Engrossed Senate Bill No. 194, entitled "An act to amend section two of an act entitled an act defining who shall be competent witnesses," etc., with the following amendments:

Amend by inserting at the end of the ninth line, section 2, after the word "church," the following: "husband and wife as to communications made to each other during marriage."

Further amend by adding the following clause to the 2d section:

"*Provided*, That a witness who is an expert in any art, science, trade, profession or mystery may be compelled to appear and testify to an opinion as such expert, in relation to any matter, whenever such opinion is material evidence relevant to any issue on trial before a court or jury, without payment or tender of compensation other than the per diem and mileage allowed by law to witnesses, under the same rules and regulations that he can be compelled to appear and testify to his knowledge of facts relevant to the same issue."

And the same are herewith transmitted to the Senate for its action thereon.

I am further directed by the Speaker to inform the Senate that the House has concurred in the report of the conference committee on House Engrossed Bill No. 637.

Engrossed House Bill No. 261, entitled "An act in relation to hedges and fences along public highways," was read the third time.

The question being, shall the bill pass?

The ayes and noes were ordered and taken resulting as follows:

Those who voted in the affirmative were: Senators Ben. Briscoe, Coffey, Davis, Dice, Donham, Foster, Garrigus, Grubb, Harris, Hart, Kent, Kramer, Langdon, Leeper, Major, Mercer, Moore, Olds, Peterson, Poindexter, Ragan, Reiley, Sarnighausen, Shirk, Smith, Streight, Tarlton, Taylor, Traylor, Treat, Trusler, Urmstan and Wilson—34.

Those who voted in the negative were: Senators Burrell and Hefron—2.

The bill passed.

The title of the bill was read and ordered by the Senate to stand approved as read.

Engrossed Senate Bill No. 54, entitled "An act to fix the number of Senators and Representatives to the General Assembly of the State of Indiana," etc., coming up, Mr. Burrell moved that it be laid on the table.

Which was agreed to.

Engrossed Senate Bill No. 59, entitled "An act to amend the twenty-second section of an act entitled an act for the incorporation of towns," etc., was read the third time.

The question being, shall the bill pass?

The ayes and noes were ordered and taken, resulting as follows:

Those who voted in the affirmative were: Senators Briscoe, Burrell, Cadwallader, Coffey, Comstock, Davis, Dice, Foster, Garrigus, Grubbs, Harris, Hart, Hefron, Kent, Langdon, Mercer, Moore, Olds, Peterson, Poindexter, Ragan, Reeve, Reiley, Shaffer, Shirk, Smith, Streight, Tarlton, Taylor, Treat, Trusler, Urmstan, Viehe, Wilson and Wood—35.

Those who voted in the negative were: Senators Benz, Donham, Kramer, Leeper, Sarnighausen and Traylor—6.

The bill passed.

The title of the bill was read and ordered by the Senate to stand approved as read.

Engrossed Senate Bill No. 62, entitled "An act to amend section 2 of an act entitled an act to amend section 2 of an act to secure dues from private corporations," etc., was read the third time.

The question being, shall the bill pass?

The ayes and noes were ordered and taken, resulting as follows:

Those who voted in the affirmative were: Senators Burrell, Cadwallader, Coffey, Comstock, Davis, Dice, Foster, Garrigus, Grubbs, Hart, Hefron, Kramer, Leeper, Major, Mercer, Moore, Ragan, Reeve, Reiley, Sarnighausen, Shirk, Smith, Streight, Taylor, Traylor, Trusler, Urmstan, Viehe and Wilson—29.

Those who voted in the negative were: Senators Benz, Donham, Harris, Langdon, Peterson, Poindexter, Tarlton, Treat and Wood—9.

The bill passed.

The title of the bill was read and ordered by the Senate to stand approved as read.

Engrossed Senate Bill No. 78, entitled "An act to amend section 354 of an act entitled an act to revise, simplify, and abridge the rules, practice, pleadings and forms in civil cases," was read the third time.

The question being, shall the bill pass?

The ayes and noes were ordered and taken, resulting as follows:

Those who voted in the affirmative were: Senators Cadwallader, Comstock, Davis, Garrigus, Hart, Langdon, Leeper, Mercer, Moore, Olds, Poindexter, Ragan, Reiley, Shaffer, Shirk, Smith, Streight, Taylor, Trusler, Wilson and Wood—21.

Those who voted in the negative were: Senators Benz, Burrell, Dice, Donham, Foster, Harris, Kent, Kramer, Major, Menzies, Peterson, Reeve, Tarlton, Traylor, Treat, Urmstan and Viehe—17.

The bill failed to pass.

Engrossed Senate Bill No. 79, entitled "An act to secure more efficient work and material in performances of contracts for public works, and to prohibit officials from being in any manner interested therein, other than as officials," etc., was read the third time.

The question being, shall the bill pass?

The ayes and noes were ordered and taken, resulting as follows:

Those who voted in the affirmative were: Senators Benz, Briscoe, Burrell, Coffey, Donham, Foster, Garrigus, Grubbs, Harris, Hart, Kent, Kramer, Langdon, Leeper, Major, Menzies, Mercer, Moore, Olds, Peterson, Poindexter, Ragan, Reeve, Shaffer, Shirk, Smith, Streight, Tarlton, Taylor, Treat, Trusler, Urmstan, Viehe, Wilson and Wood—36.

No one voting in the negative.

The bill passed.

The title of the bill was then read and ordered by the Senate to stand approved as read.

Engrossed Senate Bill No. 83, entitled "An act to amend section 9 of an act entitled an act providing for the duties and qualifications of justices of the peace, etc., was read the third time."

The question being, shall the bill pass?

The ayes and noes were ordered and taken, resulting as follows.

Those who voted in the affirmative were: Senators Briscoe, Coffey, Comstock, Dice, Garrigus, Grubbs, Hart, Kramer, Langdon, Leeper, Major, Menzies, Mercer, Moore, Olds, Peterson, Poindexter, Ragan, Reeve, Reiley, Shaffer, Shirk, Smith, Streight, Taylor, Trusler, Viehe, Wilson and Wood—29.

Those who voted in the negative were: Senators Benz, Burrell, Donham, Harris, Hefron, Tarlton, Treat and Urmstan—8.

The bill passed.

The title of the bill was read and ordered by the Senate to stand approved as read.

Engrossed Senate Bill No. 278, entitled "An act providing who may practice medicine and surgery, and matters connected therewith," etc., was read the third time.

The question being, shall the bill pass?

The ayes and noes were ordered and taken, resulting as follows:

Those who voted in the affirmative were: Senators Burrell, Cadwallader, Comstock, Dice, Donham, Grubbs, Harris, Kent, Kramer, Langdon, Leeper, Menzies, Mercer, Moore, Olds, Peterson, Reeve, Reiley, Sarnighausen, Shaffer, Taylor and Urmstan—22.

Those who voted in the negative were: Senators Briscoe, Coffey, Davis, Foster, Garrigus, Hart, Hefron, Major, Ragan, Shirk, Smith, Tarlton, Treat, Trusler, Viehe, Wilson and Wood—17.

The bill failed to pass.

Pending the call of the roll, Mr. Shaffer demanded a call of the Senate, which being ordered and taken, discovered the following Senators present and answering to their names:

Senators Benz, Briscoe, Burrell, Cadwallader, Coffey, Comstock, Davis, Dice, Donham, Foster, Garrigus, Grubbs, Harris, Hart, Hefron, Kent, Kramer, Leeper, Major, Menzies, Mercer, Moore, Olds, Peterson, Poindexter, Ragan, Reeve, Reiley, Sarnighausen,

Shaffer, Shirk, Smith, Streight, Tarlton, Taylor, Treat, Trusler, Urmstan, Viehe, Wilson and Wood—41.

Mr. Hefron moved that further proceedings under the call be dispensed with.

Which was agreed to.

Engrossed Senate Bill No. 297, entitled "An act to abolish the office of State Geologist, providing for the transfer of all apparatus, specimens and property to the State Board of Agriculture," etc., was read the third time.

Mr. Streight moved to lay the bill on the table.

Messrs. Foster and Dice demanded the ayes and noes, which being ordered and taken, resulted as follows:

Those who voted in the affirmative were: Senators Briscoe, Coffey, Comstock, Davis, Donham, Garrigus, Grubbs, Harris, Hart, Kent, Major, Menzies, Mercer, Moore, Peterson, Poindexter, Ragan, Reeve, Reiley, Sarnighausen, Shaffer, Shirk, Smith, Streight, Tarlton, Taylor, Traylor, Treat, Trusler, Urmstan and Wood—31.

Those who voted in the negative were: Senators Benz, Burrell, Foster, Hefron, Kramer, Leeper, Olds and Wilson—8.

The motion was agreed to.

Mr. Coffey, from the joint committee on enrolled bills, submitted the following report:

MR. PRESIDENT:

Your committee on enrolled bills have examined Enrolled Senate Bills Nos. 169 and 280, also Enrolled House Bill No. 228, and find them to be correctly enrolled.

Engrossed Senate Bill No. 333, entitled "An act in relation to the muzzling of dogs," etc., was read the third time.

The question being, shall the bill pass?

The ayes and noes were ordered and taken, resulting as follows:

Those who voted in the affirmative were: Senators Benz, Burrell, Coffey, Donham, Foster, Garrigus, Hefron, Leeper, Peterson, Poindexter, Reeve, Reiley, Sarnighausen, Shaffer, Shirk, Taylor, Treat and Wilson—18.

Those who voted in the negative were: Senators Briscoe, Comstock, Davis, Dice, Harris, Hart, Kent, Kramer, Major, Men-

zies, Mercer, Moore, Olds, Ragan, Smith, Streight, Tarlton, Travis, Trusler and Urmstan—20.

The bill failed to pass.

Leave of absence was asked and obtained for Mr. Moore until Friday morning.

The Senate adjourned.

(Approved.)

ISAAC P. GRAY,
President of the Senate.

THURSDAY MORNING.

MARCH 13, 1879.

The Senate met at 9 o'clock A. M., Lieutenant-Governor Gray in the chair.

The Journal of yesterday was being read when, on motion of Mr. Dice, the further reading of the same was dispensed with.

Mr. Ragan, by leave, introduced Senate Bill No. 445, entitled "An act touching foreign corporations, and providing that certain acts thereof shall work forfeitures."

Read the first time.

Mr. Dice moved that the constitutional rule be suspended, the bill read the second time, considered engrossed, read the third time and put upon its passage, and upon that motion demanded the previous question.

Which was seconded by the Senate.

The main question was ordered.

The question being on the suspension of the constitutional rule. The ayes and noes were ordered and taken, resulting as follows:

Those who voted in the affirmative were: Senators Benz, Briscoe, Burrell, Cadwallader, Coffey, Comstock, Davenport, Davis, Dice, Donham, Fowler, Garrigus, Grubbs, Hart, Hefron, Kahlo, Kent, Kramer, Langdon, Major, Mercer, Olds, Peterson, Poindexter,

Ragan, Reiley, Sarnighausen, Shaffer, Shirk, Smith, Tarlton, Taylor, Traylor, Treat, Trusler, Viehe, Weir, Winterbotham and Wood—39.

Senator Harris voting in the negative.

The constitutional rule was suspended.

Senate Bill No. 445 was read the second and third time.

The question being, shall the bill pass?

The ayes and noes were ordered and taken, resulting as follows:

Those who voted in the affirmative were: Senators Benz, Briscoe, Burrell, Cadwallader, Coffey, Comstock, Davenport, Davis, Dice, Donham, Foster, Fowler, Garrigus, Grubbs, Hart, Hefron, Kahlo, Kent, Kramer, Langdon, Major, Menzies, Mercer, Olds, Peterson, Poindexter, Ragan, Reiley, Sarnighausen, Shaffer, Shirk, Smith, Tarlton, Taylor, Traylor, Treat, Trusler, Urmstan, Viehe, Weir, Wilson, Winterbotham and Wood—43.

Senator Harris voting in the negative.

The bill passed.

The title of the bill was read and ordered by the Senate to stand approved as read.

Mr. Grubbs introduced Senate Bill No. 446, entitled "An act defining libel, to prevent the publication thereof and providing punishment therefor."

Read the first time.

Mr. Grubbs moved that the constitutional rule be suspended, the bill read the second time, considered engrossed, read the third time and put upon its passage.

The question being on the suspension of the constitutional rule.

The ayes and noes were ordered and taken, resulting as follows:

Those who voted in the affirmative were: Senators Benz, Briscoe, Burrell, Cadwallader, Coffey, Comstock, Davenport, Davis, Dice, Donham, Foster, Fowler, Garrigus, Grubbs, Harris, Hart, Hefron, Kahlo, Kramer, Langdon, Major, Menzies, Mercer, Olds, Peterson, Poindexter, Ragan, Reiley, Sarnighausen, Shaffer, Shirk, Smith, Streight, Taylor, Traylor, Treat, Trusler, Urmstan, Viehe, Weir, Wilson, Winterbotham and Wood—43.

No one voting in the negative.

The constitutional rule was suspended.

Senate Bill No. 446 was read the second and third time.

The question being, shall the bill pass?

The ayes and noes were ordered and taken, resulting as follows:

Those who voted in the affirmative were: Senators Benz, Briscoe, Cadwallader, Coffey, Comstock, Davenport, Davis, Dice, Donham, Fowler, Garrigus, Grubbs, Harris, Hart, Hefron, Kahlo, Kent, Langdon, Leeper, Major, Menzies, Mercer, Olds, Peterson, Poindexter, Ragan, Reiley, Sarnighausen, Shaffer, Shirk, Smith, Streight, Taylor, Traylor, Treat, Trusler, Urmstan, Viehe, Weir, Wilson, Winterbotham, Wood and Woollen—43.

Those who voted in the negative were: Senators Burrell and Foster—2.

The bill passed.

The title of the bill was read.

Mr. Grubbs offered the following amendment:

"An act defining libel, to prevent the publication thereof, and providing punishment therefor."

Which was adopted.

Mr. Fowler introduced Senate Bill No. 447, entitled "An act amending sections 1, 2, and 20 of an act providing for the election of supervisors of highways, and prescribing certain of their duties and those of county and township officers in relation thereto, to repeal all laws inconsistent herewith, approved March 5, 1877."

Read the first time.

Mr. Fowler moved that the constitutional rule be suspended, the bill read the second time, considered engrossed, read the third time, and put upon its passage.

The question being on the suspension of the constitutional rule.

The ayes and noes were ordered and taken, resulting as follows:

Those who voted in the affirmative were: Senators Benz, Briscoe, Burrell, Cadwallader, Coffey, Comstock, Davenport, Davis, Dice, Donham, Foster, Fowler, Garrigus, Grubbs, Harris, Hart, Hefron, Kahlo, Kent, Kramer, Langdon, Leeper, Major, Menzies, Mercer, Olds, Peterson, Poindexter, Ragan, Reeve, Reiley, Sarnighausen, Shaffer, Shirk, Smith, Streight, Tarlton, Taylor, Traylor, Treat, Trusler, Urmstan, Viehe, Weir, Wilson, Winterbotham, Wood and Woollen—48.

No one voting in the negative.

The constitutional rule was suspended.

Senate Bill No. 447 was read the second and third times. .

The question being, shall the bill pass?

The ayes and noes were ordered and taken, resulting as follows:

Those who voted in the affirmative were: Senators Benz, Briscoe, Burrell, Cadwallader, Coffey, Comstock, Davenport, Davis, Donham, Foster, Fowler, Garrigus, Grubbs, Harris, Hart, Hefron, Kahlo, Kent, Kramer, Langdon, Leeper, Major, Menzies, Mercer, Olds, Peterson, Poindexter, Ragan, Reeve, Reiley, Sarnighausen, Shaffer, Shirk, Smith, Streight, Tarlton, Taylor, Traylor, Treat, Trusler, Urmstan, Viehe, Weir, Wilson, Winterbotham, Wood and Woollen—47.

No one voting in the negative.

The bill passed.

The title of the bill was read and ordered by the Senate to stand approved as read.

Mr. Hart, from the committee on emigration and statistics, reported engrossed House Bill No. 20, entitled "An act providing for the establishment of a state bureau of statistics and geology," etc., with the report of the committee suggesting certain amendments, and when so amended recommending its passage.

Which was placed on file without reading.

Mr. Menzies introduced Senate Bill No. 448, entitled "An act authorizing the surrender of city charter or municipal organization of any city whose population shall be less than seven thousand inhabitants, and reserving all vested rights and contracts made before such surrender."

Read the first time.

Mr. Menzies moved that the constitutional rule be suspended, the bill read the second time, considered engrossed, read the third time and put upon its passage.

The question being on the suspension of the constitutional rule.

The ayes and noes were ordered and taken, resulting as follows:

Those who voted in the affirmative were: Senators Benz, Briscoe, Burrell, Cadwallader, Coffey, Davenport, Davis, Dice, Donham, Foster, Fowler, Garrigus, Grubbs, Harris, Hart, Hefron, Kahlo, Kent, Kramer, Leeper, Major, Menzies, Mercer, Olds, Peterson, Poindexter, Ragan, Reeve, Sarnighausen, Shaffer, Shirk,

Smith, Streight, Tarlton, Taylor, Traylor, Treat, Trusler, Urms^{ar}, Viehe, Weir, Wilson, Winterbotham, Wood and Woollen—45.

No one voting in the negative.

The constitutional rule was suspended.

Senate Bill No. 448 was read the second and third times.

The question being, shall the bill pass?

The ayes and noes were ordered and taken, resulting as follows:

Those who voted in the affirmative were: Senators Benz, Burrell, Cadwallader, Coffey, Comstock, Davenport, Dice, Donham, Foster, Fowler, Garrigus, Grubbs, Harris, Hart, Hefron, Kahlo, Kent, Kramer, Langdon, Leeper, Major, Menzies, Mercer, Olds, Peterson, Poindexter, Ragan, Reeve, Reiley, Sarnighausen, Shaffer, Shirk, Smith, Streight, Tarlton, Taylor, Traylor, Treat, Trusler, Urms^{an}, Viehe, Weir, Wilson, Winterbotham, Wood and Woollen—46.

No one voting in the negative.

The bill passed.

The title of the bill was then read and ordered by the Senate to stand approved as read.

Mr. Kahlo introduced Senate Bill No. 449, entitled "An act to exempt the wages of laborers from garnishment, and proceedings supplemental to execution in certain cases."

Read the first time.

Mr. Reeve moved that the bill be referred to a committee of three, with instructions to report this afternoon.

Which was rejected.

Mr. Kahlo moved that the constitutional rule be suspended, the bill read the second time, considered engrossed, read the third time and put upon its passage.

The question being on the suspension of the constitutional rule.

The ayes and noes were ordered and taken, resulting as follows:

Those who voted in the affirmative were: Senators Benz, Cadwallader, Coffey, Comstock, Davenport, Davis, Dice, Foster, Fowler, Garrigus, Grubbs, Harris, Hart, Hefron, Kahlo, Kent, Kramer, Langdon, Leeper, Major, Mercer, Olds, Peterson, Ragan, Reiley, Sarnighausen, Shaffer, Shirk, Smith, Treat, Trusler, Urms^{an}, Viehe, Weir, Wilson, Winterbotham, Wood and Woollen—38.

Those who voted in the negative were: Senators Burrell, Donham, Reeve, Streight and Taylor—5.

The constitutional rule was suspended.

Senate Bill No. 449 was read the second and third times.

The question being, shall the bill pass?

The ayes and noes were ordered and taken, resulting as follows:

Those who voted in the affirmative were: Senators Benz, Cadwallader, Davenport, Davis, Dice, Foster, Fowler, Garrigus, Grubbs, Harris, Hefron, Kahlo, Kent, Kramer, Langdon, Leeper, Menzies, Mercer, Olds, Peterson, Poindexter, Ragan, Reiley, Sarnighausen, Shaffer, Shirk, Smith, Streight, Tarlton, Treat, Trusler, Urmstan, Viehe, Weir, Wilson, Winterbotham, Wood and Woollen—38.

Those who voted in the negative were: Senators Burrell, Coffey, Donham, Hart and Taylor—5.

The bill passed.

The title of the bill was read and ordered by the Senate to stand approved as read.

Mr. Viehe introduced Senate Bill No. 450, entitled "An act defining the time for holding general elections and fixing the time at which certain acts connected therewith shall be done."

Read the first time.

Mr. Viehe moved that the constitutional rule be suspended, the bill read the second time, considered engrossed, read the third time and put upon its passage.

The question being on the suspension of the constitutional rule, The ayes and noes were ordered and taken, resulting as follows:

Those who voted in the affirmative were: Senators Benz, Cadwallader, Coffey, Comstock, Davenport, Davis, Dice, Donham, Fowler, Garrigus, Grubbs, Harris, Hart, Kahlo, Kent, Kramer, Langdon, Leeper, Major, Menzies, Olds, Peterson, Poindexter, Ragan, Reeve, Reiley, Sarnighausen, Shaffer, Shirk, Smith, Streight, Tarlton, Taylor, Traylor, Treat, Trusler, Urmstan, Viehe, Weir, Wilson, Winterbotham, Wood and Woollen—42.

Senator Burrell voting in the negative.

The constitutional rule was suspended.

Senate Bill No. 450 was read the second and third times.

The question being, shall the bill pass?

The ayes and noes were ordered and taken, resulting as follows:

Those who voted in the affirmative were: Senators Benz, Briscoe, Cadwallader, Comstock, Davenport, Davis, Dice, Donham, Fowler, Garrigus, Harris, Hart, Hefron, Kahlo, Kent, Kramer, Langdon, Leeper, Major, Menzies, Mercer, Olds, Peterson, Poindexter, Ragan, Reiley, Sarnighausen, Shaffer, Shirk, Smith, Streight, Tarlton, Taylor, Treat, Trusler, Urmstan, Viehe, Weir, Wilson, Winterbotham, Wood and Woollen—43.

Senator Burrell voting in the negative.

The bill passed.

The title was then read and ordered by the Senate to stand approved.

Mr. Shaffer introduced Senate Bill No. 451, entitled "An act to legalize the acts of the common council and of the mayor of the town of Huntington, Huntington county, Indiana, and all other officers of said corporation, under an act to amend section five of an act to incorporate the town of Huntington, approved March 7, 1873, and declaring an emergency."

Read the first time.

Mr. Shaffer moved that the constitutional rule be suspended, the bill read the second time, considered engrossed, read the third time and put upon its passage.

The question being on the suspension of the constitutional rule.

The ayes and noes were ordered and taken, resulting as follows:

Those who voted in the affirmative were: Senators Briscoe, Cadwallader, Comstock, Davenport, Davis, Dice, Donham, Fowler, Garrigus, Harris, Hart, Hefron, Kahlo, Kent, Kramer, Langdon, Leeper, Major, Menzies, Mercer, Olds, Peterson, Poindexter, Ragan, Reiley, Sarnighausen, Shaffer, Shirk, Smith, Streight, Tarlton, Taylor, Treat, Urmstan, Weir, Winterbotham, Wood and Woollen—38.

Those who voted in the negative were: Senators Benz, Burrell, Reeve, Trusler and Wilson—5.

The constitutional rule was suspended.

Senate Bill No. 451 was read the second and third times.

The question being, shall the bill pass?

The ayes and noes were ordered and taken, resulting as follows:

Those who voted in the affirmative were: Senators Benz, Briscoe, Cadwallader, Davenport, Davis, Dice, Fowler, Garrigus, Harris, Hart, Kahlo, Kent, Kramer, Leeper, Major, Mercer, Peterson, Poindexter, Ragan, Reiley, Sarnighausen, Shaffer, Shirk, Streight, Tarlton, Taylor, Traylor, Treat, Urmstan, Weir, Winterbotham, Wood and Woollen—33.

Those who voted in the negative were: Senators Burrell, Comstock, Donham, Hefron, Reeve, Smith, Trusler and Wilson—8.

The bill passed.

The title of the bill was read and ordered by the Senate to stand approved as read.

Mr. Peterson introduced Senate Bill No. 452, entitled "An act to amend section 3 and repeal section 4 of an act entitled an act for the Lye Creek Draining Association, approved March 10, 1873."

Read the first time.

Mr. Peterson moved that the constitutional rule be suspended, the bill read the second time, considered engrossed, read the third time and put upon its passage.

The question being on the suspension of the constitutional rule.

The ayes and noes were ordered and taken, resulting as follows:

Those who voted in the affirmative were: Senators Benz, Briscoe, Burrell, Cadwallader, Coffey, Comstock, Davenport, Davis, Dice, Donham, Fowler, Garrigus, Harris, Hart, Hefron, Kahlo, Kent, Kramer, Leeper, Major, Mercer, Olds, Peterson, Poindexter, Ragan, Reiley, Sarnighausen, Shirk, Smith, Streight, Tarlton, Taylor, Traylor, Treat, Trusler, Urmstan, Weir, Wilson, Winterbotham and Wood—40.

Senator Reeve voting in the negative.

The constitutional rule was suspended.

Senate Bill No. 452 was read the second and third times.

The question being, shall the bill pass?

The ayes and noes were ordered and taken, resulting as follows:

Those who voted in the affirmative were: Senators Benz, Briscoe, Cadwallader, Coffey, Comstock, Davenport, Davis, Dice, Donham, Fowler, Garrigus, Harris, Hart, Kahlo, Kent, Kramer, Langdon, Major, Mercer, Peterson, Poindexter, Ragan, Reiley, Sarnighausen, Shirk, Smith, Streight, Tarlton, Taylor, Traylor, Trusler, Urmstan, Weir, Wood and Woollen—35.

Those who voted in the negative were: Senators Olds and Wilson—2.

The bill passed.

The title was then read and ordered by the Senate to stand approved.

Mr. Comstock moved that the order of business be suspended, and that House amendments to Engrossed Senate Bill No. 194, entitled "An act defining who shall be competent witnesses in any court or judicial proceedings," etc., be taken up.

Which was agreed to.

Engrossed House amendments to Senate Bill No. 194, were taken up, read and concurred in.

The following message was received from the House by the Clerk thereof:

MR. PRESIDENT:

I am directed by the Speaker of the House to inform the Senate that he has signed Enrolled House Joint Resolution No. 22.

Also, Enrolled House Concurrent Resolution No. 23.

Also, Enrolled House Concurrent Resolution No. 25.

Also, Enrolled House Act No. 228.

Also, Enrolled House Act. No. 303.

And the same are herewith transmitted to the Senate for the signature of the President thereof.

Mr. Benz moved to take up Senate Bill No. 432, entitled "An act to amend section 10 of an act entitled an act to establish a *House of Refuge*," etc.

Which was agreed to.

Senate Bill No. 432 was read the second time with the report of the committee recommending its passage.

Which was concurred in.

Mr. Benz moved that the constitutional rule be suspended, the bill considered engrossed, read the third time now and put upon its passage.

The question being on the suspension of the constitutional rule.

The ayes and noes were ordered and taken resulting as follows:

Those who voted in the affirmative were: Senators Benz, Briscoe, Burrell, Cadwallader, Coffey, Comstock, Davenport, Davis, Dice,

Donham, Fowler, Garrigus, Grubbs, Harris, Hart, Kahlo, Kent, Kramer, Leeper, Major, Menzies, Mercer, Olds, Peterson, Poindexter, Ragan, Reeve, Reiley, Sarnighausen, Shaffer, Shirk, Smith, Streight, Taylor, Treat, Trusler, Urmstan, Weir, Wilson, Winterbotham, Wood and Woollen—43.

No one voting in the negative.

The constitutional rule was suspended.

Senate Bill No. 432 was read the third time.

The question being, shall the bill pass?

The ayes and noes were ordered and taken, resulting as follows:

Those who voted in the affirmative were: Senators Benz, Briscoe, Burrell, Cadwallader, Comstock, Davenport, Davis, Dice, Donham, Fowler, Garrigus, Grubbs, Harris, Hart, Hefron, Kahlo, Kramer, Leeper, Major, Menzies, Olds, Peterson, Poindexter, Ragan, Sarnighausen, Shaffer, Shirk, Smith, Streight, Tarlton, Taylor, Traylor, Trusler, Urmstan, Viehe, Weir, Wilson, Winterbotham, Wood and Woollen—41.

No one voting in the negative.

The bill passed.

The title of the bill was read and ordered by the Senate to stand approved as read.

On motion of Mr. Traylor, Engrossed House Bill No. 610, entitled "An act to legalize the election of the board of trustees of the town of Paoli, Orange county, Indiana, for the years 1878 and 1879," was read the first time and referred to the committee on corporations.

Mr. Dice introduced Senate Bill No. 453, entitled "An act in relation to the use of human bodies for the purpose of dissection, to require a record thereof to be kept and to punish the unlawful possession or dissection of such bodies and the violation of graves, and repealing section 38 of an act defining misdemeanors, and prescribing punishment therefor, approved June 14, 1852."

Read the first time.

Mr. Grubbs moved that the constitutional rule be suspended, the bill read the second time, considered engrossed, read the third time and put upon its passage.

The question being on the suspension of the constitutional rule.

The ayes and noes were ordered and taken, resulting as follows:

Those who voted in the affirmative were: Senators Benz, Burrell, Cadwallader, Coffey, Comstock, Davenport, Davis, Dice, Donham, Foster, Fowler, Garrigus, Grubbs, Harris, Hart, Hefron, Kahlo, Kent, Kramer, Langdon, Leeper, Menzies, Mercer, Olds, Peterson, Poindexter, Ragan, Reiley, Sarnighausen, Shaffer, Shirk, Smith, Streight, Tarlton, Taylor, Traylor, Trusler, Urmstan, Viebr., Weir, Wilson, Winterbotham, Wood and Woollen—44.

No one voting in the negative.

The constitutional rule was suspended.

Senate Bill No. 453 was read the second and third times.

The question being, shall the bill pass?

The ayes and noes were ordered and taken, resulting as follows:

Those who voted in the affirmative were: Senators Benz, Briscoe, Burrell, Coffey, Comstock, Davenport, Davis, Dice, Donham, Foster, Fowler, Garrigus, Grubbs, Harris, Hart, Hefron, Kahlo, Langdon, Leeper, Major, Menzies, Mercer, Olds, Peterson, Poindexter, Ragan, Reiley, Sarnighausen, Shaffer, Shirk, Smith, Streight, Tarlton, Traylor, Trusler, Urmstan, Weir, Wilson, Winterbotham, Wood and Woollen—43.

No one voting in the negative.

The bill passed.

The title was then read and ordered by the Senate to stand approved.

Mr. Streight introduced Senate Bill No. 454, entitled "An act to repeal an act to amend the first and thirteenth sections of an act to establish superior courts, defining their jurisdiction, and providing for the election and compensation of the judges thereof, approved February 15, 1871, and supplemental thereto, approved March 5, 1877, and revising said amended sections."

Read the first time.

Mr. Streight moved that the constitutional rule be suspended, the bill read the second time, considered engrossed, read the third time and put upon its passage.

The question being on the suspension of the constitutional rule.

The ayes and noes were ordered and taken, resulting as follows:

Those who voted in the affirmative were: Senators Burrell, Cadwallader, Coffey, Comstock, Davenport, Davis, Donham, Fowler,

Garrigus, Grubbs, Harris, Hart, Hefron, Kahlo, Kent, Kramer, Leeper, Menzies, Mercer, Peterson, Poindexter, Ragan, Reiley, Sarnighausen, Shirk, Smith, Streight, Tarlton, Traylor, Treat, Urmstan, Weir, Wilson and Wood—36.

No one voting in the negative.

The constitutional rule was suspended.

Senate Bill No. 454 was read the second and third times.

The question being, shall the bill pass?

The ayes and noes were ordered and taken, resulting as follows:

Those who voted in the affirmative were: Senators Benz, Briscoe, Burrell, Cadwallader, Coffey, Comstock, Davis, Donham, Fowler, Garrigus, Hart, Hefron, Kahlo, Kramer, Langdon, Major, Menzies, Mercer, Olds, Peterson, Poindexter, Ragan, Reeve, Reiley, Shirk, Smith, Streight, Tarlton, Taylor, Treat, Trusler, Urmstan, Weir, Wilson, Wood and Woollen—36.

No one voting in the negative.

The bill passed.

The title of the bill was read and ordered by the Senate to stand approved as read.

Mr. Langdon called up his motion to amend rule 49 of the standing rules of the Senate, introduced last Tuesday.

The Senate adjourned.

AFTERNOON SESSION.

MARCH 13, 1879.

The Senate reassembled at 2 o'clock P. M. Lieutenant-Governor Gray in the chair.

Daniel D. Dale was sworn into office as Principal Secretary of the Senate, by Gus. O'Brien, Deputy Clerk of Marion county.

The Senate resumed consideration of Mr. Langdon's motion to amend rule 49 of the rules of the Senate.

Senate Jour—41

The chair laid before the Senate a communication from the Governor in relation to his refusal to sign certain bills presented to him too late for his action thereon.

Mr. Winterbotham offered the following amendment to Mr. Langdon's resolution to amend the rules:

Amend by adding the following: "And all bills passed at the regular session and failing to reach the Governor in time for action thereon."

Mr. Burrell offered the following amendment to the amendment:

Amend the amendment of the resolution so as to add the following, to-wit: The "Metropolitan Police Bill."

Mr. Harris moved to lay the resolution and amendments on the table.

The ayes and noes were demanded by Messrs. Harris and Langdon, which being ordered and taken, resulted as follows:

Those who voted in the affirmative were: Senators Benz, Briscoe, Burrell, Coffey, Donham, Foster, Fowler, Harris, Hefron, Kahlo, Kramer, Leeper, Major, Menzies, Olds, Peterson, Ragan, Reiley, Sarnighausen, Streight, Tarlton, Traylor, Trusler, Urmstan, Viehe, Winterbotham and Wood—27.

Those who voted in the negative were: Senators Cadwallader, Comstock, Davenport, Dice, Garrigus, Grubbs, Hart, Langdon, Mercer, Poindexter, Shaffer, Shirk, Smith, Taylor, Weir and Wilson—16.

The motion was agreed to.

Mr. Fowler moved that the Senate proceed to consider Engrossed House Bill No. 592, entitled "An act making general appropriations for the support of the state government for 1880 and 1881," etc.

Which was agreed to.

Mr. Viehe moved to reconsider the vote by which the report of the committee on Engrossed House Bill No. 592 was adopted as a whole.

Which was agreed to.

The following message was received from the House by the Clerk thereof:

MR. PRESIDENT:

I am directed by the Speaker of the House to inform the Senate that the House has passed engrossed House bill No. 202, entitled

“An act authorizing incorporated towns to exact a license for the sale of spirituous, vinous and malt liquors within such town, and declaring an emergency.”

Also, engrossed House bill No. 120, entitled “An act concerning the evidence to be given by the defendant in actions for libel and slander.”

Also, engrossed House bill No. 162, entitled “An act providing that in cases of assignment in trust for the benefit of creditors, persons performing labor within twelve months preceding such assignment shall be entitled to receive full amount of wages due them from trust funds, provided such amount of wages does not exceed two hundred dollars.”

Also, engrossed House bill No. 284, entitled “An act to enable the owners of wet lands to clear out and remove obstructions from ditches where the same can not be done without affecting the lands of others.”

Also, engrossed Senate bill No. 258, entitled “An act to amend section 2 and to repeal section 14 of an act concerning enclosures, trespassing animals and partition fences, approved June 4, 1852.”

And the same are herewith transmitted to the Senate for its further action thereon.

I am further directed by the Speaker to inform the Senate that he has signed enrolled House act No. 637.

Also, enrolled Senate acts Nos. 169, 280 and 22.

And the same are herewith transmitted to the Senate for the signature of the President thereof.

Mr. Viehe moved that the bill be considered item by item.

Which was agreed to.

Mr. Fowler moved to reconsider the vote by which the item allowing the Governor's clerk eight hundred dollars was adopted.

The ayes and noes were demanded by Messrs. Olds and Foster, which being ordered and taken, resulted as follows:

Those who voted in the affirmative were: Senators Briscoe, Cadwallader, Coffey, Comstock, Davenport, Davis, Dice, Foster, Fowler, Garrigus, Grubbs, Harris, Hart, Hefron, Kahlo, Langdon, Leeper, Major, Mercer, Olds, Peterson, Poindexter, Ragan, Reeve, Reiley, Shaffer, Shirk, Smith, Streight, Taylor, Traylor, Treat, Trusler, Viehe, Weir and Wilson—36.

Those who voted in the negative were: Senators Benz, Burrell, Donham, Kent, Kramer, Menzies, Sarnighausen, Tarlton, Urmstan, Winterbotham and Wood—11.

The motion was agreed to.

Mr. Viehe offered the following amendment to the report of the committee:

Amend the report by striking out lines nine and ten.

Mr. Fowler moved to lay the amendment on the table.

The ayes and noes were demanded by Messrs. Wilson and Foster, which being ordered and taken, resulted as follows:

No one voting in the affirmative.

Those who voted in the negative were: Senators Benz, Briscoe, Burrell, Coffey, Comstock, Davenport, Davis, Dice, Donham, Foster, Fowler, Garrigus, Grubbs, Harris, Hart, Hefron, Kahlo, Kent, Kramer, Langdon, Leeper, Major, Menzies, Mercer, Olds, Peterson, Ragan, Reeve, Reiley, Sarnighausen, Shaffer, Shirk, Smith, Streight, Tarlton, Traylor, Treat, Trusler, Urmstan, Viehe, Weir, Wilson, Winterbotham and Wood—44.

The motion was rejected.

Mr. Winterbotham moved to reject the amendment.

The ayes and noes were demanded by Messrs. Dice and Foster, which being ordered and taken, resulted as follows:

Those who voted in the affirmative were: Senators Benz, Burrell, Donham, Fowler, Harris, Kahlo, Kent, Kramer, Menzies, Reeve, Sarnighausen, Tarlton, Traylor, Urmstan, Winterbotham and Wood—16.

Those who voted in the negative were: Senators Briscoe, Coffey, Comstock, Davenport, Davis, Dice, Foster, Garrigus, Grubbs, Hart, Hefron, Langdon, Leeper, Major, Mercer, Olds, Ragan, Reiley, Shaffer, Shirk, Smith, Streight, Taylor, Treat, Trusler, Viehe, Weir and Wilson—28.

The motion was rejected.

The question recurring on the adoption of the amendment.

The ayes and noes were demanded by Messrs. Coffey and Olds, which being ordered and taken resulted as follows:

Those who voted in the affirmative were: Senators Benz, Briscoe, Coffey, Comstock, Davenport, Davis, Dice, Foster, Garrigus,

Grubbs, Harris, Hart, Hefron, Kahlo, Langdon, Leeper, Major, Mercer, Olds, Peterson, Poindexter, Ragan, Reiley, Shaffer, Shirk, Smith, Streight, Taylor, Treat, Trusler, Viehe, Weir and Wilson—33.

Those who voted in the negative were: Senators Burrell, Donham, Fowler, Kent, Kramer, Menzies, Reeve, Sarnighausen, Tarlton, Traylor, Urmstan, Winterbotham and Wood—13.

The amendment was adopted.

Mr. Hefron moved to reconsider the vote by which the item of the committee report fixing the salary of the Deputy Secretary of State at \$1,500 was rejected.

The ayes and noes were demanded by Messrs. Wilson and Olds, which being ordered and taken, resulted as follows:

Those who voted in the affirmative were: Senators Benz, Briscoe, Burrell, Cadwallader, Comstock, Davenport, Davis, Donham, Fowler, Hefron, Kent, Kramer, Leeper, Menzies, Sarnighausen, Tarlton, Traylor, Urmstan, Viehe and Winterbotham—20.

Those who voted in the negative were: Senators Coffey, Dice, Foster, Garrigus, Grubbs, Harris, Hart, Kahlo, Major, Mercer, Olds, Peterson, Poindexter, Ragan, Reiley, Shaffer, Shirk, Smith, Streight, Taylor, Trusler, Weir, Wilson and Wood—24.

The motion to reconsider was rejected.

Mr. Wilson offered the following amendment to the report:
Amend the report by striking out line 12 thereof.

Mr. Fowler moved to reject the amendment.

The ayes and noes were demanded by Messrs. Wilson and Trusler, which being ordered and taken resulted as follows:

Those who voted in the affirmative were: Senators Benz, Burrell, Donham, Fowler, Kent, Kramer, Leeper, Menzies, Peterson, Reeve, Reiley, Sarnighausen, Tarlton, Traylor, Urmstan, Viehe, Winterbotham and Wood—18.

Those who voted in the negative were: Senators Briscoe, Coffey, Comstock, Davenport, Dice, Foster, Garrigus, Grubbs, Harris, Hart, Hefron, Kahlo, Major, Mercer, Olds, Poindexter, Ragan, Shaffer, Shirk, Smith, Streight, Taylor, Treat, Trusler, Weir and Wilson—26.

The motion to reject was lost.

Mr. Viehe moved that further consideration of the bill be postponed until Saturday morning at 10 o'clock.

The ayes and noes were demanded by Messrs. Foster and Olds, which being ordered and taken resulted as follows:

Those who voted in the affirmative were: Senators Briscoe, Burrell, Davis, Dice, Donham, Fowler, Grubbs, Hefron, Kahlo, Reeve, Reiley, Sarnighausen, Tarlton, Taylor, Urmstan, Viehe, and Wood—17.

Those who voted in the negative were: Senators Cadwallader, Coffey, Comstock, Davenport, Foster, Garrigus, Harris, Hart, Heilman, Kent, Leeper, Major, Menzies, Mercer, Olds, Peterson, Poindexter, Ragan, Shaffer, Shirk, Smith, Streight, Traylor, Treat, Trusler, Weir, Wilson and Winterbotham—28.

The motion was rejected.

The question recurring on the adoption of the amendment.

The ayes and noes were demanded by Messrs. Wilson and Dice, which being ordered and taken, resulted as follows:

Those who voted in the affirmative were: Senators Coffey, Comstock, Davenport, Dice, Foster, Garrigus, Grubbs, Harris, Hart, Hefron, Kahlo, Kramer, Major, Mercer, Olds, Poindexter, Ragan, Reiley, Shaffer, Shirk, Smith, Streight, Taylor, Trusler, Weir and Wilson—26.

Those who voted in the negative were: Senators Benz, Briscoe, Burrell, Cadwallader, Davis, Donham, Fowler, Kent, Langdon, Leeper, Menzies, Peterson, Reeve, Sarnighausen, Tarlton, Traylor, Treat, Urmstan, Viehe, Wood and Winterbotham—21.

The amendment was adopted.

Mr. Comstock offered the following amendment to the report: Amend the report by striking out line 18.

Mr. Kahlo moved that debate cease.

Which was agreed to.

The question being on the adoption of the amendment.

The ayes and noes were demanded by Messrs. Coffey and Foster, which, being ordered and taken, resulted as follows:

Those who voted in the affirmative were: Senators Benz, Coffey, Comstock, Davenport, Davis, Dice, Foster, Garrigus, Harris, Hart, Hefron, Kahlo, Langdon, Mercer, Olds, Poindexter, Ragan, Shaffer, Shirk, Streight, Taylor, Treat, Trusler, Viehe, Weir and Wilson—26.

Those who voted in the negative were: Senators Benz, Burrell, Cadwallader, Donham, Fowler, Grubbs, Kent, Kramer, Leeper, Menzies, Peterson, Reeve, Sarnighausen, Smith, Tarlton, Traylor, Urmstan, Wood and Winterbotham—19.

The amendment was agreed to.

On motion of Mr. Dice line 14 of the report was stricken out.

Line fifteen of the report was adopted.

Mr. Burrell moved to strike out item 17 of the report.

The ayes and noes were demanded by Messrs. Wilson and Garrigus, which, being ordered and taken, resulted as follows:

Those who voted in the affirmative were: Senators Benz, Burrell, Coffey, Davenport, Dice, Donham, Foster, Garrigus, Hart, Hefron, Major, Poindexter, Shaffer, Shirk, Streight, Tarlton, Taylor, Traylor, Weir and Wilson—20.

Those who voted in the negative were: Senators Briscoe, Cadwallader, Comstock, Davis, Fowler, Grubbs, Harris, Kahlo, Kent, Kramer, Langdon, Menzies, Mercer, Olds, Peterson, Ragan, Reeve, Sarnighausen, Smith, Treat, Trusler, Urmstan, Viehe, Wood and Winterbotham—25.

The motion was rejected

The question recurring on the adoption of item 17.

The ayes and noes were demanded by Messrs. Dice, and Wilson, which being ordered and taken, resulted as follows:

Those who voted in the affirmative were: Senators Cadwallader, Comstock, Davenport, Davis, Fowler, Grubbs, Harris, Kahlo, Kent, Kramer, Langdon, Menzies, Mercer, Olds, Peterson, Ragan, Reeve, Reiley, Sarnighausen, Treat, Urmstan, Viehe, Winterbotham and Wood—24.

Those who voted in the negative were: Senators Benz, Burrell, Coffey, Dice, Donham, Foster, Garrigus, Hart, Hefron, Major, Poindexter, Shaffer, Shirk, Streight, Tarlton, Taylor, Traylor, Trusler, Viehe and Woollen—20.

Item 17 was adopted.

Mr. Foster moved that the Senate do adjourn.

The ayes and noes were demanded by Messrs. Burrell, Foster, Dice, Trusler and Taylor, which being ordered and taken resulted as follows:

Those who voted in the affirmative were: Senators Benz, Cadwallader, Davenport, Davis, Donham, Foster, Garrigus, Grubbs, Hefron, Kent, Langdon, Mercer, Olds, Poindexter, Reeve, Sarnighausen, Shaffer, Streight, Tarlton, Viehe, Weir and Winterbotham—22.

Those who voted in the negative were: Senators Burrell, Coffey, Comstock, Dice, Fowler, Harris, Hart, Kahlo, Kramer, Major, Menzies, Peterson, Ragan, Reiley, Shirk, Taylor, Traylor, Treat, Trusler, Urmstan, Wood, Wilson and Mr. President—23.

The motion to adjourn was rejected.

Mr. Comstock offered the following amendment to the report:

Amend the report by striking out line 18.

Which was agreed to.

Mr. Burrell moved to strike out line 19 of the report.

Which was agreed to.

Mr. Foster moved to strike out line 20 of the report.

Which was agreed to.

Mr. Winterbotham offered the following resolution:

Resolved, That His Excellency, the Governor, be and is hereby requested to return such Senate bills as may have been presented to him at a time too late for his action thereon.

Which was rejected.

Mr. Coffee, from the committee on enrolled bills, submitted the following report:

MR. PRESIDENT:

Your joint committee on enrolled bills have examined Enrolled Senate Bill No. 194 and find the same to be correctly enrolled.

The Senate adjourned.

(Approved.)

ISAAC P. GRAY,
President of the Senate.

FRIDAY MORNING.

MARCH 14, 1879.

The Senate met at 9 o'clock A. M., Lieutenant-Governor Gray in the chair.

The Journal of yesterday was being read, when on motion of Mr. Olds, the further reading of the same was dispensed with.

Mr. Grubbs, from the committee on enrolled bills submitted the following report:

MR. PRESIDENT:

Your joint committee on enrolled bills report that they have examined Enrolled Senate Bills Nos. 22 and 258 and find them to be correctly enrolled.

On motion of Mr. Comstock the general appropriation bill was taken up.

Mr. Comstock moved that item 22 of the committee report be concurred in.

The ayes and noes were demanded by Messrs. Garrigus and Wilson, which being ordered and taken resulted as follows:

Those who voted in the affirmative were: Senators Benz, Briscoe, Burrell, Cadwallader, Coffey, Comstock, Davenport, Davis, Dice, Donham, Fowler, Grubbs, Harris, Hart, Hefron, Kahlo, Kent, Kramer, Langdon, Leeper, Major, Menzies, Mercer, Peterson, Ragan, Sarnighausen, Shirk, Smith, Tarlton, Traylor, Treat, Trusler, Urmstan, Viehe, Winterbotham and Wood—36.

Those who voted in the negative were: Senators Foster, Garrigus, Olds, Poindexter, Shaffer and Woollen—6.

Item 22 was concurred in.

The chair announced that the Governor had returned to the files of the Senate the bills which he refused to sign on account of their not being presented to him two days prior to the close of the regular session.

On motion of Mr. Comstock item 23 of the committee report was adopted.

Item 25 of the report was adopted.

The question being on the adoption of item 26 of the report of the committee.

The ayes and noes were demanded by Messrs. Foster and Garrigus, which being ordered and taken resulted as follows:

Those who voted in the affirmative were: Senators Benz, Briscoe, Cadwallader, Coffey, Davis, Donham, Fowler, Hefron, Kent, Kramer, Langdon, Leeper, Major, Menzies, Olds, Peterson, Reiley, Sarnighausen, Tarlton, Traylor, Urmstan, Viehe, Winterbotham and Wood—24.

Those who voted in the negative were: Senators Burrell, Comstock, Davenport, Dice, Foster, Garrigus, Grubbs, Harris, Hart, Kahlo, Mercer, Moore, Poindexter, Ragan, Shaffer, Shirk, Smith, Treat, Trusler, Weir and Wilson—21.

Item 26 of the report was adopted.

The question being on the adoption of item 27 of the report.

Mr. Comstock offered the following amendment:

Amend line 27 of report by inserting before "two thousand" the words "not exceeding."

Mr. Harris offered the following substitute for Mr. Comstock's amendment:

Strike out line 27 of committee report.

Which was agreed to.

. On motion of Mr. Burrell, lines 29 and 31 of the committee report were stricken out.

The question being on the adoption of item 33 of the report.

The ayes and noes were demanded by Messrs. Garrigus and Foster, which, being ordered and taken, resulted as follows:

Those who voted in the affirmative were: Senators Benz, Briscoe, Burrell, Cadwallader, Coffey, Comstock, Davenport, Davis, Donham, Fowler, Grubbs, Harris, Hart, Hefron, Kahlo, Kent, Kramer, Langdon, Leeper, Major, Menzies, Mercer, Moore, Olds, Peterson, Ragan, Reiley, Sarnighausen, Shaffer, Smith, Streight, Tarlton, Taylor, Traylor, Treat, Urmstan, Viehe, Winterbotham and Wood—39.

Those who voted in the negative were: Senators Foster, Garrigus, Poindexter, Shirk, Trusler, Weir and Wilson—7.

Item 33 was adopted.

Mr. Harris offered the following amendment to the report of the committee:

To strike out lines 34, 35, 36, 37 and 38 of committee report.

Which was agreed to.

Mr. Traylor moved to strike out lines 39 and 40 of the report of the committee.

Which was agreed to.

The question being on the adoption of item 41 of the report of the committee.

The ayes and noes were demanded by Messrs. Wilson and Garrigus, which being ordered and taken resulted as follows:

Those who voted in the affirmative were: Senators Benz, Burrell, Cadwallader, Coffey, Comstock, Davenport, Davis, Donham, Fowler, Harris, Hefron, Kahlo, Kent, Kramer, Langdon, Leeper, Major, Menzies, Mercer, Moore, Peterson, Poindexter, Reiley, Sarnighausen, Shaffer, Shirk, Smith, Streight, Tarlton, Traylor, Treat, Trusler, Urmstan, Viehe, Weir and Winterbotham—36.

Those who voted in the negative were: Senators Dice, Foster, Garrigus, Grubbs, Hart, Olds, Ragan, Taylor, Wood and Wilson—10.

Item 41 was adopted.

The question being on the adoption of line 42 of the report.

The ayes and noes were demanded by Messrs. Wilson and Garrigus, which being ordered and taken resulted as follows:

Those who voted in the affirmative were: Senators Benz, Briscoe, Burrell, Cadwallader, Coffey, Davis, Donham, Fowler, Hefron, Kent, Kramer, Langdon, Menzies, Peterson, Ragan, Sarnighausen, Tarlton, Treat, Urmstan, Viehe and Winterbotham—21.

Those who voted in the negative were: Senators Comstock, Davenport, Dice, Foster, Garrigus, Grubbs, Harris, Hart, Leeper, Major, Mercer, Moore, Olds, Poindexter, Reiley, Shaffer, Shirk, Smith, Streight, Taylor, Trusler, Weir, Wood and Wilson—24.

Line 42 was rejected.

The question being on the adoption of item 43 of the committee's report.

The ayes and noes were demanded by Messrs. Benz and Garrigus, which being ordered and taken resulted as follows:

Those who voted in the affirmative were: Senators Briscoe, Cadwallader, Davis, Fowler, Hefron, Kent, Kramer, Langdon, Moore,

Peterson, Ragan, Sarnighausen, Shirk, Smith, Tarlton, Treat, Urnstan, Viehe, Wood and Winterbotham—20.

Those who voted in the negative were: Senators Benz, Burrell, Coffey, Comstock, Davenport, Dice, Donham, Foster, Garriga, Grubbs, Harris, Hart, Leeper, Major, Menzies, Mercer, Olds, Poin-dexter, Reiley, Shaffer, Streight, Taylor, Traylor, Trusler, Weir and Wilson—26.

Line 43 was rejected.

The following message was received from the House by the Clerk thereof:

MR. PRESIDENT:

I have been directed by the Speaker of the House to inform the Senate that the House has passed Engrossed Senate Bill No. 444, entitled "An act to provide for the organization and support of feeble minded children," etc.

Also, Engrossed Senate Bill No. 445, entitled "An act touching foreign corporations," etc.

Also, Engrossed Senate Bill No. 446, entitled "An act defining libel," etc.

Also, Engrossed Senate Bill No. 447, entitled "An act amending sections 1, 2 and 20 of an act providing for the election and appointment of supervisors," etc.

Also, Engrossed Senate Bill No. 448, entitled "An act authorizing the surrender of city charters," etc.

Also, Engrossed Senate Bill No. 449, entitled "An act to exempt wages of laborers from garnishment," etc.

Also, Engrossed Senate Bill No. 450, entitled "An act defining the time for holding general elections," etc.

Also, Engrossed Senate Bill No. 451, entitled "An act to legalize the acts of the common council of the town of Huntington," etc.

Also, Engrossed Senate Bill No. 452, entitled "An act to amend section 3, and repeal section 4 of an act for the relief of Lye Creek Draining Association."

Also, Engrossed Senate Bill No. 453, entitled "An act in relation to the use of human bodies," etc.

Also, Engrossed Senate Bill No. 454, entitled "An act to repeal an act to amend the 1st and 13th sections of an act to establish superior courts," etc.

And the same are herewith returned to the Senate.

I am further directed by the Speaker to inform the Senate that

he House has concurred in Senate amendments to House amendments to Engrossed Senate Bill No. 125, entitled "An act providing for the punishment of persons in the possession of stolen personal property," etc.

On motion of Mr. Harris item 44 of the committee report was adopted.

Mr. Dice moved to strike out items 45 and 46 of the report of the committee.

Pending which the Senate adjourned.

AFTERNOON SESSION.

MARCH 14, 1879.

Senate reassembled at 2 o'clock P. M., Lieutenant-Governor Gray in the chair.

On motion of Mr. Winterbotham, the specific appropriation bill was recommitted to the committee on finance.

The question being on the motion of Mr. Dice to strike out items 45 and 46 of the committee report, pending at the adjournment at noon.

Mr. Wilson moved that debate cease.

Which was agreed to by common consent.

The question being on Mr. Dice's motion.

The ayes and noes were demanded by Messrs. Reeve and Langdon, which being ordered and taken, resulted as follows:

Those who voted in the affirmative were: Senators Briscoe, Burrell, Davis, Dice, Donham, Foster, Hefron, Reiley and Viehe—9.

Those who voted in the negative were: Senators Benz, Cadwallader, Coffey, Comstock, Davenport, Fowler, Garrigus, Grubbs, Harris, Hart, Kahlo, Kent, Kramer, Langdon, Leeper, Major, Mercer, Moore, Olds, Peterson, Poindexter, Ragan, Reeve, Sarnighausen, Shaffer, Shirk, Smith, Streight, Tarlton, Taylor, Traylor, Treat, Trusler, Urmstan, Weir, Wilson, Winterbotham and Wood—38.

The motion was rejected.

The following message was received from the House by the Clerk thereof:

MR. PRESIDENT:

I am directed by the Speaker to inform the Senate that the House has passed engrossed House Bill No. 115, entitled "An act to amend section 1 of an act entitled an act for the protection of the Sabbath and providing penalties for the desecration thereof, approved February 28, 1855."

Also, engrossed House Bill No. 442, entitled "An act to amend an act entitled an act to provide for a general system of common schools, the officers thereof and their respective powers and duties and matters properly connected therewith," etc.

Also, engrossed Senate Bill No. 325, entitled "An act to amend the thirteenth section of an act entitled an act granting the citizens of the town of Evansville a city charter," etc.

And the same are herewith transmitted to the Senate for its action.

I am further directed by the Speaker to inform the Senate that he has signed enrolled Senate acts Nos. 258 and 194 and House Joint Resolution No. 21, and the same are herewith transmitted to the Senate for the signature of the President thereof.

Mr. Traylor moved the adoption of lines 45 and 46 of the report of the committee.

The ayes and noes were demanded by Messrs. Dice and Kahlo, which being ordered and taken resulted as follows:

Those who voted in the affirmative were: Senators Benz, Cadwallader, Coffey, Comstock, Davenport, Fowler, Grubbs, Harris, Hart, Kahlo, Kent, Kramer, Langdon, Leeper, Major, Mercer, Moore, Olds, Peterson, Poindexter, Ragan, Reeve, Shaffer, Shirk, Smith, Streight, Tarlton, Taylor, Traylor, Treat, Trusler, Urmstan, Weir, Wood and Winterbotham—35.

Those who voted in the negative were: Senators Briscoe, Burrell, Davis, Dice, Donham, Foster, Garrigus, Hefron, Reiley, Viele and Wilson—11.

Lines 45 and 46 were adopted.

The question being on the adoption of line 47 of the report.

The ayes and noes were demanded by Messrs. Wilson and Benz, which being ordered and taken, resulted as follows:

Those who voted in the affirmative were: Senators Benz, Cadwallader, Davis, Donham, Fowler, Harris, Hefron, Kahlo, Kent,

Kramer, Leeper, Major, Mercer, Moore, Olds, Peterson, Ragan, Reeve, Tarlton, Taylor, Traylor, Treat, Urmstan, Viehe, Winterbotham and Wood—26.

Those who voted in the negative were: Senators Briscoe, Burrell, Comstock, Davenport, Dice, Foster, Grubbs, Hart, Poindexter, Reiley, Shaffer, Shirk, Streight, Trusler, Weir and Wilson—16.

Line 47 was adopted.

The question being on the adoption of line 48 of the committee's report.

The ayes and noes were demanded by Messrs. Garrigus and Dice, which being ordered and taken resulted as follows:

Those who voted in the affirmative were: Senators Benz, Burrell, Cadwallader, Coffey, Comstock, Davenport, Davis, Dice, Fowler, Grubbs, Harris, Kahlo, Kent, Kramer, Leeper, Major, Mercer, Moore, Olds, Peterson, Poindexter, Ragan, Reeve, Reiley, Sarnighausen, Shaffer, Smith, Streight, Tarlton, Taylor, Treat, Urmstan, Viehe, Weir, Winterbotham and Wood—36.

Those who voted in the negative were: Senators Briscoe, Donham, Foster, Garrigus, Hart, Hefron, Shirk, Trusler and Wilson—9.

Line 48 was adopted.

The question being on the adoption of line 49 of the report.

It was agreed to.

Mr. Harris moved that the report of the committee as a whole, as amended, be concurred in.

The ayes and noes were demanded by Messrs. Garrigus and Wilson, which being ordered and taken, resulted as follows:

Those who voted in the affirmative were: Senators Cadwallader, Comstock, Davenport, Davis, Fowler, Grubbs, Harris, Kahlo, Kent, Kramer, Langdon, Leeper, Major, Mercer, Moore, Olds, Peterson, Ragan, Reeve, Reiley, Sarnighausen, Shaffer, Smith, Streight, Tarlton, Taylor, Treat, Trusler, Urmstan, Viehe and Winterbotham—31.

Those who voted in the negative were: Senators Benz, Briscoe, Burrell, Coffey, Dice, Donham, Foster, Garrigus, Hart, Hefron, Poindexter, Shirk, Weir, Wilson and Wood—15.

The motion was agreed to.

Leave of absence was asked and obtained for Messrs. Cadwallader and Dice until next Monday.

Mr. Reeve offered the following amendment to the bill:

And all laws or parts of laws now in force conflicting with any of the provisions of this act are hereby changed and modified to conform thereto.

The question being on the adoption of the amendment, the ayes and noes were demanded by Messrs. Foster and Kramer, which being ordered and taken resulted as follows:

Those who voted in the affirmative were: Senators Comstock, Leeper, Reeve, Urmstan and Winterbotham—5.

Those who voted in the negative were: Senators Benz, Briscoe, Burrell, Davis, Dice, Foster, Fowler, Grubbs, Harris, Hart, Hefron, Kahlo, Kramer, Major, Mercer, Moore, Olds, Peterson, Poindexter, Ragan, Reiley, Shirk, Smith, Streight, Tarlton, Taylor, Treat, Trueller, Viehe, Weir and Wilson—31.

The amendment was rejected.

Mr. Treat offered the following amendment to section 5:

Amend section 5 by adding: *Provided*, That nothing in this act contained shall be so construed as to repeal any statute now in force making an annual appropriation to any of the educational or State institutions, but the several amounts hereby appropriated to such institutions shall be in lieu of the amounts appropriated to said institutions by statute for the time herein specified.

Which was adopted.

Mr. Harris offered the following amendment to section 2:

Amend section 2 by striking out the words "at the rate of twelve hundred dollars per annum," in line 87.

Which was agreed to.

Mr. Viehe offered the following amendment to the bill:

Amend the bill by striking out in line 50 of section 2 the words "one thousand," and insert "two thousand."

Mr. Streight offered the following amendment to the amendment:

Amend the amendment by striking out "two thousand" and insert "fifteen hundred."

Mr. Burrell demanded a call of the Senate, which being ordered and taken discovered the following Senators present and answering to the call of their names:

Senators Benz, Briscoe, Burrell, Comstock, Davenport, Davis, Foster, Fowler, Garrigus, Grubbs, Harris, Hart, Kahlo, Kent, Kramer, Leeper, Major, Mercer, Moore, Olds, Peterson, Poindexter, Ragan, Reeve, Reiley, Sarnighausen, Shaffer, Shirk, Streight, Tarlton, Traylor, Treat, Trusler, Urmstan, Weir, Wilson, Winterbotham and Wood—39.

On motion of Mr. Harris further proceedings under the call were dispensed with.

Leave of absence was asked and obtained for Mr. Hefron until Monday.

The question being on the adoption of Mr. Streight's amendment.

The ayes and noes were demanded by Messrs. Winterbotham and Wood, which being ordered and taken, resulted, as follows:

Those who voted in the affirmative were: Senators Briscoe, Coffey, Comstock, Davenport, Davis, Dice, Fowler, Grubbs, Harris, Hart, Kahlo, Kramer, Leeper, Mercer, Moore, Peterson, Ragan, Reiley, Shaffer, Streight, Taylor, Traylor, Treat and Wilson—24.

Those who voted in the negative were: Senators Benz, Burrell, Donham, Foster, Garrigus, Kent, Major, Olds, Poindexter, Reeve, Sarnighausen, Shirk, Smith, Tarlton, Trusler, Urmstan, Viehe, Weir, Wood and Winterbotham—20.

The amendment to the amendment was agreed to.

The amendment as amended was then agreed to.

Mr. Harris offered the following amendment to section 2 of the bill:

Amend section 2 as follows: Strike out the words "at the rate of \$800 per annum," in line 99. Also, strike out the words "At the rate of \$1,450 per annum," in line 113.

Which was agreed to.

Mr. Viehe offered the following amendment:

Amend the bill as follows: After line 51, in the same section, insert, "For the janitor of the supreme court, to be appointed by the judges, \$720." Also, by striking out in line 175 of section 2, the word "three," and insert "two," and strike out the words "one for the rooms on the second floor, and two," in lines 175 and 176 of said section.

Mr. Streight offered the following amendment to the amendment:

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Amend the amendment by striking out "seven hundred" and insert "five hundred."

The question being on the adoption of the amendment to the amendment.

The ayes and noes were demanded by Messrs. Shirk and Garrigus, which being ordered and taken, resulted as follows:

Those who voted in the affirmative were: Senators Comstock, Davenport, Davis, Dice, Foster, Fowler, Garrigus, Grubbs, Harris, Hart, Kahlo, Langdon, Mercer, Peterson, Poindexter, Ragan, Shaffer, Shirk, Streight, Taylor, Trusler and Weir—22.

Those who voted in the negative were: Senators Benz, Briscoe, Burrell, Donham, Kent, Kramer, Leeper, Major, Moore, Olds, Reiley, Reeve, Sarnighausen, Smith, Tarlton, Traylor, Treat, Urmstan, Viehe, Winterbotham and Wood—21.

The amendment to the amendment was agreed to.

The question being on the adoption of the amendment as amended.

The ayes and noes were demanded by Messrs. Wilson and Winterbotham, which being ordered and taken, resulted as follows:

Those who voted in the affirmative were: Senators Briscoe, Coffey, Comstock, Davenport, Davis, Dice, Foster, Fowler, Grubbs, Harris, Hart, Kahlo, Kent, Kramer, Langdon, Leeper, Major, Mercer, Moore, Olds, Peterson, Poindexter, Ragan, Reeve, Reiley, Sarnighausen, Shaffer, Shirk, Smith, Streight, Tarlton, Traylor, Treat, Trusler, Urmstan, Viehe, Weir and Wood—38.

Those who voted in the negative were: Senators Benz, Burrell, Donham, Garrigus, Wilson and Winterbotham—6.

The amendment as amended was agreed to.

Mr. Winterbotham offered the following amendment to section 1 of the bill:

Amend the bill by adding after the word dollars, in line 5 of section 1, for Governor's clerk "\$800."

Mr. Dice rose to a point of order, stating that this amendment could not be acted upon, as it had been rejected before.

The chair decided the point of order not well taken, whereupon Mr. Dice submitted the following appeal:

Be it known that on the 14th day of March, 1879, the Senate having under consideration the general appropriation bill, the

Senator from Laporte moved to amend section 2 of said act by inserting "for Governor's clerk, \$800," when I arose and made the point of order that the said amendment was once passed upon by the Senate in the consideration of the amendment submitted by the committee and stricken out, and could not be now considered except by a vote to reconsider the vote by which said amendment was rejected. The President thereupon decided that the point of order was not well taken. I therefore respectfully appeal from the decision of the chair.

FRANCIS M. DICE.

We join in the above appeal.

A. D. STREIGHT.

A. C. HARRIS.

C. KAHLO.

Which was sustained by the Senate.

Mr. Burrell offered the following amendment:

Strike out line 30 of section 2.

Mr. Comstock offered the following amendment to the amendment:

Amend the amendment by striking out the words "one thousand" in line 30 of 2d section, and inserting instead thereof the words "five hundred."

Which was rejected.

Mr. Viehe moved to amend the amendment of Mr. Burrell by making it \$300.

Which was accepted by Mr. Burrell.

Mr. Streight moved as a substitute that it be made \$900.

The question being on Mr. Streight's motion.

The ayes and noes were demanded by Messrs. Shirk and Foster, which being ordered and taken, resulted as follows:

Those who voted in the affirmative were: Senators Davis, Fowler, Harris, Kent, Langdon, Menzies, Moore, Reeve, Sarnighausen, Streight, Treat, Urmstan, Viehe and Wood—14.

Those who voted in the negative were: Senators Benz, Burrell, Comstock, Davenport, Dice, Donham, Foster, Garrigus, Hart, Kahlo, Kramer, Leeper, Major, Mercer, Olds, Peterson, Ragan, Shaffer, Shirk, Smith, Tarlton, Traylor, Trusler, Weir, Wilson and Winterbotham—26.

The substitute was rejected.

Mr. Viehe withdrew his motion to amend by making it "three hundred dollars," and moved to make it "six hundred dollars."

Which was agreed to.

The question being on the adoption of Mr. Burrell's amendment as amended.

The ayes and noes, were demanded by Messrs. Dice and Hart, which being ordered and taken resulted as follows:

Those who voted in the affirmative were: Senators Comstock, Davenport, Davis, Fowler, Grubbs, Kahlo, Kent, Kramer, Langdon, Leeper, Peterson, Poindexter, Ragan, Reeve, Sarnighausen, Shaffer, Streight, Traylor, Treat, Trusler, Urmstan, Viehe and Wood—23.

Those who voted in the negative were: Senators Benz, Burrell, Dice, Donham, Foster, Garrigus, Hart, Major, Mercer, Olds, Shirk, Smith, Tarlton, Weir, Wilson and Winterbotham—16.

The amendment as amended was agreed to.

The following message was received from the House by the Clerk thereof:

MR. PRESIDENT:

I am directed by the Speaker of the House to inform the Senate that the House has passed engrossed House bill No. 368, entitled "An act for the relief of George N. Winchel, Hamilton J. Lenox, Marcus L. March, Daniel Longman, Byrom H. Jones and Charles Mather, and declaring an emergency."

Also, engrossed House bill No. 540, entitled "An act to amend section 18 of an act entitled an act to provide for the opening, vacating and change of highways, approved June 17, 1852."

Also, engrossed House bill No. 414, entitled "An act providing for the relief of Patrick Hallegan."

Also, engrossed Senate bill No. 176, entitled "An act to legalize the official acts of the board of trustees of the town of Jasper," etc.

Also, that the House has adopted House joint resolution No. 35, providing for the publication of the interest law.

Also, that he has signed enrolled Senate acts Nos. 445, 446, 448 and 449.

And the same are herewith transmitted to the Senate.

Mr. Streight offered the following amendment:

Amend section 2, line 7, by striking out the words "twelve hundred and fifty dollars," and insert in lieu thereof the words "five hundred dollars."

Mr. Winterbotham offered the following amendment to the amendment:

Amend the amendment by making "five hundred," "eight hundred."

Mr. Grubbs, from the joint committee on Enrolled Bills, submitted the following report:

MR. PRESIDENT:

Your joint committee on Enrolled Bills report that they have examined Enrolled Senate Bills Nos. 445, 446, 451, 452, 447, 448, 449 and 450, and find the same and each of them correctly enrolled.

The Senate adjourned.

(Approved.)

ISAAC P. GRAY,
President of the Senate.

SATURDAY MORNING.

MARCH 15, 1879.

The Senate met at 9 o'clock, A. M. Lieutenant-Governor Gray in the chair.

The Journal of yesterday was being read, when on motion of Mr. Foster the further reading of the same was dispensed with.

Mr. Fowler offered the following resolution:

Resolved by the Senate (the House of Representatives concurring therein), That the present session of the General Assembly of the State of Indiana will adjourn on Tuesday, March 25, at 12 o'clock meridian.

Mr. Menzies offered the following amendment to the resolution:

Amend the resolution by striking out the word "Tuesday" and inserting in lieu thereof "Saturday," and by striking out the figures "25" and inserting in lieu thereof the figures "22."

Mr. Reeve moved that the resolution and amendment be indefinitely postponed.

Mr. Benz demanded the previous question, which was seconded by the Senate.

The main question was ordered.

The question being on the motion to indefinitely postpone.

The ayes and noes were demanded by Messrs. Harris and Menzies, which being ordered and taken, resulted as follows:

Those who voted in the affirmative were: Senators Benz, Burrell, Coffey, Davis, Donham, Garrigus, Grubbs, Hart, Langdon, Leeper, Ragan, Reeve, Sarnighausen, Shaffer, Smith, Streight, Tarlton, Taylor, Treat, Viehe, Winterbotham, Wood and Woollen—23.

Those who voted in the negative were; Senators Briscoe, Comstock, Davenport, Foster, Fowler, Harris, Kahlo, Kent, Kramer, Major, Menzies, Mercer, Moore, Olds, Peterson, Poindexter, Shirk, Traylor, Trusler, Urmstan, Weir and Wilson—22.

The motion to indefinitely postpone was agreed to.

The following message was received from the House by the clerk thereof:

MR. PRESIDENT:

I am directed by the Speaker of the House to inform the Senate that the House has passed Engrossed House Bill No. 660, entitled "An act to legalize the election held in the year 1878 in the town of Edinburg, in Johnson county, Indiana," etc.

Also, Engrossed House Bill No. 661, entitled "An act to legalize certain acts of the board of commissioners of Clinton county in the purchase of certain grounds at sheriff's sale," etc.

Also, Engrossed House Bill No. 662, entitled "An act to legalize the incorporation of the town of Auburn, DeKalb county, Indiana."

Also Engrossed House Bill No. 664, entitled "A bill for an act for the relief of the estate of John T. Bishop, deceased, the estate of Almon Lyon deceased, Jacob C. Neff and Robert M. Conrey," etc.

Also, Engrossed House Bill No. 665, entitled "An act for the relief of John R. Robinson, former trustee of Union township, in the county of Montgomery, State of Indiana," etc.

Also, Engrossed House Bill No. 666, entitled "An act to amend section 1 of an act to provide for the incorporation of any public or private cemetery already laid out," etc.

Also, Engrossed House Bill No. 667, entitled "An act supplemental to an act entitled an act to authorize cities and towns to

negotiate and sell bonds to procure means with which to erect and complete unfinished school buildings, and to purchase any grounds and buildings for school purposes," etc.

And the same are herewith transmitted to the Senate for its action thereon.

The above bills passed both houses at the regular session and failed to be approved by the Governor.

Mr. Reeve introduced Senate Bill No. 445, entitled "An act to provide for insuring property belonging to the State of Indiana, and the payment therefor, was read the first time.

Mr. Reeve moved that the constitutional rule be suspended the bill read the second time by title, considered engrossed, read the third time by sections, and put upon its passage.

The question being on the suspension of the constitutional rule.

The ayes and noes were ordered and taken, resulting as follows:

Those who voted in the affirmative were: Senators Benz, Burrell, Comstock, Davenport, Garrigus, Grubbs, Harris, Kent, Langdon, Leeper, Major, Moore, Peterson, Poindexter, Ragan, Reeve, Sarnighausen, Shaffer, Smith, Tarlton, Taylor, Traylor, Treat, Trusler, Urmstan and Winterbotham—26.

Those who voted in the negative were: Senators Coffey, Davis, Donham, Fowler, Hart, Kramer, Menzies, Mercer, Olds, Shirk, Streight, Viehe and Wilson—13.

The constitutional rule was not suspended for want of a constitutional majority.

On motion of Mr. Harris the general appropriation bill was taken up.

Mr. Shirk offered the following amendment to the bill.

Amend the 2d section of the bill by striking out of line 123, all after the word "the" to and including the words "per annum" in line 124.

Which was agreed to.

The following message was received from the House, by the Clerk thereof:

MR. PRESIDENT:

I am directed by the Speaker of the House to inform the Senate that he has signed Enrolled Senate Acts Nos. 444, 447, 452, 450 and 451.

Also, that the House has passed Engrossed House Bill No. 654, entitled "An act prescribing certain duties of the Auditor of State."

Also, Engrossed House Bill No. 663, entitled "An act to amend the charter of the city of Evansville, and to enable said city to change its corporate name to the city of Lamasco, and declaring an emergency."

Also, Engrossed House Bill No. 642, entitled "A bill to legalize the incorporation of the town of Walton, and the election of officers therein."

Also, Engrossed House Bill No. 154, entitled "An act to enable the owners of wet lands to drain and reclaim them, where the same can not be done without affecting lands of others," etc.

And the same are herewith transmitted to the Senate for its action thereon.

Mr. Comstock offered the following amendment to the bill:

Amend section 2, line 7, by striking out the words "twelve hundred and fifty dollars," and insert in lieu thereof the words "eight hundred dollars."

The question being on the adoption of the amendment.

The ayes and noes were demanded by Messrs. Shirk and Poinexter, which being ordered and taken, resulted as follows:

Those who voted in the affirmative were: Senators Comstock, Davenport, Foster, Garrigus, Harris, Hart, Major, Olds, Poinexter, Ragan, Shaffer, Shirk, Smith, Streight, Taylor, Traylor, Weir and Wilson—18.

Those who voted in the negative were: Senators Burrell, Davis, Donham, Fowler, Grubbs, Kent, Kramer, Leeper, Menzies, Mercer, Moore, Peterson, Reeve, Sarnighausen, Tarlton, Treat, Trusler, Urmstan, Viehe, Winterbotham and Wood—21.

The amendment was rejected.

Mr. Winterbotham offered the following amendment:

Amend by inserting after the word "seventy," in line 127, the word "five."

The question being on the adoption of the amendment.

The ayes and noes were demanded by Messrs. Garrigus and Wilson, which being ordered and taken resulted as follows:

Those who voted in the affirmative were: Senators Briscoe, Burrell, Comstock, Davenport, Davis, Donham, Grubbs, Harris,

Kent, Kramer, Leeper, Major, Menzies, Mercer, Moore, Olds, Peterson, Poindexter, Ragan, Sarnighausen, Shaffer, Shirk, Smith, Tarlton, Taylor, Treat, Trusler, Urmstan, Viehe, Weir, Winterbotham and Wood—32.

Those who voted in the negative were: Senators Foster, Garrigus, Hart, Streight and Wilson—5.

The amendment was agreed to.

Mr. Coffey, from the committee on enrolled bills, submitted the following report:

MR. PRESIDENT:

Your joint committee on enrolled bills have examined enrolled Senate bills Nos. 125 and 176, and find them to be correctly enrolled.

Mr. Leeper offered the following amendment:

Amend section 2 by inserting between lines 39 and 40 the following: "For night-watchman for library rooms, \$500."

The question being on the adoption of the amendment.

The ayes and noes were demanded by Messrs. Garrigus and Wilson, which being ordered and taken resulted as follows:

Those who voted in the affirmative were: Senators Benz, Briscoe, Burrell, Comstock, Davenport, Davis, Donham, Foster, Fowler, Grubbs, Harris, Hart, Kent, Leeper, Major, Menzies, Mercer, Moore, Olds, Peterson, Sarnighausen, Shaffer, Tarlton, Taylor, Taylor, Treat, Urmstan, Viehe, Winterbotham and Wood—30.

Those who voted in the negative were: Senators Coffey, Garrigus, Poindexter, Ragan, Shirk, Smith, Streight, Trusler, Weir and Wilson—10.

The amendment was agreed to.

Mr. Streight offered the following amendment to the bill:

Strike out of line 7, section 2, the words "twelve hundred and fifty dollars" and insert in lieu thereof "seven hundred dollars."

The question being on the adoption of the amendment.

The ayes and noes were demanded by Messrs. Streight and Wilson, which being ordered and taken resulted as follows:

Those who voted in the affirmative were: Senators Comstock, Garrigus, Shirk, Smith, Streight, Taylor, Trusler, Weir and Wilson—9.

Those who voted in the negative were: Senators Benz, Biscoe, Burrell, Coffey, Davenport, Davis, Donham, Foster, Fowler, Grubbs, Hart, Kent, Kramer, Langdon, Leeper, Menzies, Mercer, Moore, Olds, Peterson, Sarnighausen, Shaffer, Tarlton, Traylor, Treat, Urmstan, Viehe, Winterbotham and Wood—29.

The amendment was rejected.

Mr. Menzies moved that the bill as a whole, as amended, be adopted, and demanded the previous question.

The question being on seconding the demand for the previous question.

The ayes and noes were demanded by Messrs. Streight and Wilson, which being ordered and taken resulted as follows:

Those who voted in the affirmative were: Senators Burrell, Coffey, Davenport, Davis, Donham, Grubbs, Harris, Kent, Kramer, Langdon, Leeper, Menzies, Mercer, Moore, Olds, Peterson, Ragan, Sarnighausen, Shaffer, Smith, Tarlton, Traylor, Treat, Trusler, Urmstan, Viehe, Winterbotham and Wood—28.

Those who voted in the negative were: Senators Benz, Comstock, Foster, Garrigus, Hart, Streight, Taylor, Weir and Wilson—9.

The demand for the previous question was seconded.

The main question was ordered.

The question being on the adoption of the bill as a whole as amended.

It was adopted.

On motion of Mr. Burrell the Senate amendments to the bill were ordered engrossed.

Mr. Kent moved to take up House bills and resolutions which failed to obtain the signature of the Governor and pass them.

Which was agreed to.

Leave of absence was asked and obtained for Mr. Wood until Monday; Mr. Shirk until Monday at 2 o'clock P. M.; Mr. Wilson until Monday at 11 o'clock A. M.; Mr. Shaffer until Monday at 2 o'clock P. M., and Mr. Davis until 10 o'clock A. M. Monday.

Engrossed House Bill No. 661, entitled "An act to legalize certain acts of the board of commissioners of Clinton county, Indiana, in the purchase of certain grounds at sheriff's sale," etc., was read the first time.

Mr. Kent moved that the constitutional rule be suspended, the bill read the second time, considered engrossed, read the third time and put upon its passage.

The question being on the suspension of the constitutional rule.

The ayes and noes were ordered and taken, resulting as follows:

Those who voted in the affirmative were: Senators Benz, Briscoe, Burrell, Coffey, Comstock, Davenport, Davis, Donham, Foster, Fowler, Garrigus, Grubbs, Harris, Hart, Kent, Kramer, Langdon, Leeper, Major, Menzies, Mercer, Moore, Olds, Peterson, Poindexter, Ragan, Sarnighausen, Shaffer, Shirk, Smith, Streight, Tarlton, Taylor, Traylor, Treat, Trusler, Urmstan, Viehe, Weir and Winterbotham—40.

Senator Wilson voting in the negative.

The constitutional rule was suspended.

Mr. Burrell moved that the Doorkeeper be ordered to lock the doors of the Senate chamber and to see that members are brought in.

Which was agreed to. •

House Bill No. 661 was read the second and third times.

The question being, shall the bill pass?

The ayes and noes were ordered and taken, resulting as follows:

Those who voted in the affirmative were: Senators Benz, Briscoe, Coffey, Comstock, Davenport, Davis, Donham, Foster, Garrigus, Grubbs, Harris, Hart, Kent, Kramer, Langdon, Leeper, Major, Menzies, Mercer, Moore, Olds, Peterson, Poindexter, Ragan, Sarnighausen, Shaffer, Shirk, Smith, Tarlton, Taylor, Traylor, Treat, Trusler, Urmstan, Viehe, Weir, Wilson and Winterbotham—39.

Those who voted in the negative were: Senators Burrell and Reeve—2.

The bill passed.

The title of the bill was read and ordered by the Senate to stand approved as read.

Engrossed House Bill No. 662, entitled "An act to legalize the official acts of the board of trustees of the town of Auburn, DeKalb county," etc., was read the first time.

Mr. Mercer moved that the constitutional rule be suspended, the bill read the second time, considered engrossed, read the third time and put upon its passage.

The question being on the suspension of the constitutional rule.
The ayes and noes were ordered and taken, resulting as follows:

Those who voted in the affirmative were: Senators Benz, Burrell, Coffey, Comstock, Davenport, Davis, Donham, Foster, Fowler, Garrigus, Grubbs, Harris, Hart, Kent, Kramer, Leeper, Langdon, Major, Mercer, Moore, Olds, Peterson, Poindexter, Ragan, Sarnighausen, Shaffer, Shirk, Smith, Tarlton, Taylor, Traylor, Treat, Trusler, Urmstan, Viehe, Weir and Winterbotham—41.

Senator Wilson voting in the negative.

The constitutional rule was suspended.

Engrossed House Bill No. 662 was read the second time by title only and the third time by sections.

The question being, shall the bill pass?

The ayes and noes were ordered and taken, resulting as follows:

Those who voted in the affirmative were: Senators Benz, Burrell, Coffey, Comstock, Davenport, Davis, Donham, Foster, Fowler, Garrigus, Grubbs, Harris, Kent, Kramer, Leeper, Major, Mercer, Moore, Olds, Peterson, Poindexter, Ragan, Sarnighausen, Shaffer, Shirk, Smith, Streight, Tarlton, Taylor, Traylor, Treat, Trusler, Urmstan, Viehe, Weir, Wilson and Winterbotham—37.

Senator Burrell voting in the negative.

The bill passed.

The title of the bill was read and ordered by the Senate to stand approved as read.

Engrossed House Bill No. 664, entitled "An act for the relief of the estate of John T. Bishop and others," was read the first time.

Mr. Reeve moved that the constitutional rule be suspended, the bill read the second time, considered engrossed, read the third time and put upon its passage.

The question being on the suspension of the constitutional rule.

The ayes and noes were ordered and taken, resulting as follows:

Those who voted in the affirmative were: Senators Benz, Burrell, Comstock, Davenport, Davis, Foster, Fowler, Garrigus, Grubbs, Harris, Hart, Kent, Langdon, Leeper, Major, Mercer, Moore, Olds, Peterson, Poindexter, Ragan, Reeve, Sarnighausen, Shaffer, Smith,

Streight, Tarlton, Taylor, Traylor, Treat, Trusler, Urmstan, Viehe, Weir and Winterbotham—35.

Senator Wilson voting in the negative.

The constitutional rule was suspended.

Engrossed House Bill No. 664 was read the second time by title only, and the third time by sections.

The question being, shall the bill pass?

The ayes and noes were ordered and taken, resulting as follows:

Those who voted in the affirmative were: Senators Benz, Briscoe, Comstock, Davenport, Davis, Donham, Foster, Fowler, Garrigus, Grubbs, Kahlo, Kent, Kramer, Leeper, Major, Mercer, Moore, Olds, Peterson, Poindexter, Ragan, Reeve, Sarnighausen, Shaffer, Shirk, Smith, Streight, Tarlton, Taylor, Treat, Trusler, Urmstan, Weir and Winterbotham—34.

Those who voted in the negative were: Senators Cadwallader, Coffey, Harris, Hart, Traylor, Viehe and Wilson—7.

The bill passed.

The title was then read, and ordered by the Senate to stand approved.

Engrossed House Bill No. 663, entitled "An act to amend the charter of the city of Evansville, and to enable said city to change its corporate name to Lamasco, and declaring an emergency."

Was read the first time.

Mr. Fowler moved that the constitutional rule be suspended, the bill read the second time, considered engrossed, read the third time and put upon its passage.

The question being on the suspension of the constitutional rule.

The ayes and noes were ordered and taken, resulting as follows:

Those who voted in the affirmative were: Senators Briscoe, Burrell, Coffey, Comstock, Davenport, Donham, Foster, Fowler, Garrigus, Grubbs, Harris, Hart, Kahlo, Kent, Kramer, Langdon, Leeper, Major, Menzies, Mercer, Moore, Olds, Peterson, Poindexter, Ragan, Sarnighausen, Shaffer, Shirk, Smith, Streight, Tarlton, Taylor, Traylor, Treat, Trusler, Urmstan, Viehe, Weir and Winterbotham—39.

Senator Wilson voting in the negative.

The constitutional rule was suspended.

Engrossed House bill No. 663 was read the second time.

Mr. Fowler offered the following amendment to the bill:

Amend section 2 by striking out, in line 6, the word "thirty," and insert in lieu thereof the word "six."

Which was agreed to.

The bill as a whole as amended was then adopted.

Mr. Fowler moved that the constitutional rule be suspended, the bill read the third time now, and put upon its passage.

The question being on the suspension of the constitutional rule

The ayes and noes were ordered and taken resulting as follows:

Those who voted in the affirmative were: Senators Briscoe, Coffey, Comstock, Davenport, Davis, Donham, Foster, Fowler, Garrigus, Grubbs, Harris, Hart, Kahlo, Kent, Kramer, Leeper, Major, Menzies, Mercer, Moore, Olds, Peterson, Poindexter, Ragan, Sarnighausen, Shaffer, Shirk, Smith, Streight, Tarlton, Taylor, Traylor, Treat, Trusler, Urmstan, Viehe, Weir and Winterbotham—38.

Senator Wilson voting in the negative.

The constitutional rule was suspended.

Engrossed House Bill No. 663 was read the third time.

The question being, shall the bill pass?

The ayes and noes were ordered and taken, resulting as follows:

Those who voted in the affirmative were: Senators Briscoe, Coffey, Comstock, Davenport, Davis, Donham, Foster, Fowler, Garrigus, Grubbs, Harris, Hart, Kahlo, Kent, Leeper, Major, Menzies, Mercer, Moore, Olds, Peterson, Poindexter, Ragan, Sarnighausen, Shaffer, Shirk, Smith, Streight, Tarlton, Taylor, Traylor, Treat, Trusler, Urmstan, Viehe, Weir and Wilson—37.

Senator Burrell voting in the negative.

The bill passed.

The title of the bill was read and ordered by the Senate to stand approved as read.

The Senate adjourned.

AFTERNOON SESSION.

MARCH 15, 1879.

The Senate met at 2 o'clock P. M., Lieutenant-Governor Gray in the chair.

Engrossed House Bill No. 660, entitled "An act to legalize the election held in the town of Edinburg, Johnson county, Indiana, in the year 1878, and the official acts of the board of trustees, and all other officers of said corporation," etc., was read the first time.

Mr. Tarlton moved that the constitutional rule be suspended, the bill read the second time, considered engrossed, read the third time and put upon its passage.

The question being on the suspension of the constitutional rule.

The ayes and noes were ordered and taken, resulting as follows:

Those who voted in the affirmative were: Senators Benz, Briscoe, Coffey, Comstock, Davenport, Donham, Foster, Fowler, Garrigus, Grubbs, Harris, Hart, Kent, Kramer, Langdon, Major, Mercer, Moore, Olds, Peterson, Poindexter, Ragan, Sarnighausen, Shaffer, Shirk, Smith, Streight, Tarlton, Taylor, Traylor, Treat, Trusler, Urmstan, Viehe, Weir and Winterbotham—35.

No one voting in the negative.

The constitutional rule was suspended.

Engrossed House Bill No. 660 was read the second time by title only and the third time by sections.

The question being, shall the bill pass?

The ayes and noes were ordered and taken, resulting as follows:

Those who voted in the affirmative were: Senators Benz, Briscoe, Burrell, Coffey, Comstock, Davenport, Donham, Foster, Fowler, Grubbs, Harris, Hart, Kahlo, Kent, Kramer, Langdon, Major, Menzies, Mercer, Moore, Peterson, Poindexter, Ragan, Sarnighausen, Shaffer, Smith, Streight, Tarlton, Taylor, Traylor, Treat, Trusler, Urmstan, Viehe, Weir and Winterbotham—36.

Senator Olds voting in the negative.

The bill passed.

The title of the bill was read and ordered by the Senate to stand approved.

Engrossed House Bill No. 665, entitled "An act for the relief of John R. Robinson, former trustee of Union township, Montgomery county, Indiana, and others," was read the first time.

Mr. Peterson moved that the constitutional rule be suspended, the bill read the second time, considered engrossed, read the third time and put upon its passage.

The question being on the suspension of the constitutional rule.

The ayes and noes were ordered and taken, resulting as follows:

Those who voted in the affirmative were: Senators Benz, Briscoe, Burrell, Coffey, Comstock, Davenport, Donham, Foster, Fowler, Garrigus, Grubbs, Harris, Hart, Kahlo, Kent, Kramer, Leeper, Major, Mercer, Moore, Olds, Peterson, Poindexter, Ragan, Sarnighausen, Smith, Streight, Tarlton, Taylor, Traylor, Treat, Trusler, Weir and Winterbotham—34.

Those who voted in the negative were: Senators Menzies, Urmstan and Viehe—3.

The constitutional rule was suspended.

Engrossed House Bill No. 665 was read the second time by title only, and the third time by sections.

The question being, shall the bill pass?

The ayes and noes were ordered and taken, resulting as follows:

Those who voted in the affirmative were: Senators Benz, Briscoe, Burrell, Coffey, Davenport, Donham, Foster, Fowler, Garrigus, Grubbs, Harris, Kahlo, Kent, Leeper, Major, Menzies, Mercer, Moore, Peterson, Poindexter, Ragan, Sarnighausen, Shaffer, Smith, Streight, Tarlton, Traylor, Treat, Trusler, Weir and Winterbotham—32.

Those who voted in the negative were: Senators Olds, Urmstan and Viehe—3.

The bill passed.

The title of the bill was read and ordered by the Senate to stand approved as read.

Engrossed House Bill No. 667, entitled "An act supplemental to an act entitled an act to authorize cities and towns to negotiate and sell bonds to procure means with which to erect and complete unfinished school buildings," etc., was read the first time.

Mr. Sarnighausen moved that the constitutional rule be suspended, the bill read the second time, considered engrossed, read the third time and put upon its passage.

The question being on the suspension of the constitutional rule.

The ayes and noes were ordered and taken, resulting as follows :

Those who voted in the affirmative were: Senators Benz, Briscoe, Burrell, Coffey, Comstock, Davenport, Donham, Foster, Fowler, Garrigus, Grubbs, Harris, Hart, Kahlo, Kent, Kramer, Leeper, Major, Menzies, Mercer, Moore, Olds, Peterson, Poindexter, Ragan, Sarnighausen, Shaffer, Shirk, Smith, Streight, Tarlton, Taylor, Traylor, Treat, Trusler, Urmstan, Viehe, Weir and Winterbotham—39.

No one voting in the negative.

The constitutional rule was suspended.

Engrossed House Bill No. 667 was read the second time by title only, and the third time by sections.

The question being, shall the bill pass?

The ayes and noes were ordered and taken, resulting as follows :

Those who voted in the affirmative were: Senators Benz, Coffey, Comstock, Davenport, Donham, Foster, Fowler, Garrigus, Grubbs, Harris, Hart, Kahlo, Kent, Kramer, Langdon, Leeper, Major, Menzies, Mercer, Moore, Olds, Peterson, Poindexter, Ragan, Reeve, Sarnighausen, Shaffer, Shirk, Smith, Tarlton, Taylor, Traylor, Treat, Trusler, Urmstan, Viehe, Weir and Wilson—38.

Those who voted in the negative were: Senators Burrell and Streight—2.

The bill passed.

The title of the bill was read and ordered by the Senate to stand approved as read.

Engrossed House Bill No. 666, entitled "An act to amend section 1 of an act entitled an act to provide for the incorporation of any public or private cemetery," etc., was read the first time.

Mr. Harris moved that the constitutional rule be suspended, the bill read the second time, considered engrossed, read the third time and put upon its passage.

The question being on the suspension of the constitutional rule.

The ayes and noes were ordered and taken, resulting as follows :

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Those who voted in the affirmative were: Senators Ben. Briscoe, Coffey, Comstock, Davenport, Donham, Foster, Fowler, Garrigus, Harris, Hart, Kahlo, Kent, Kramer, Langdon, Leeper, Major, Menzies, Mercer, Moore, Olds, Peterson, Poindexter, Ragan, Shaffer, Shirk, Smith, Streight, Tarlton, Taylor, Traylor, Treat, Trusler, Urmistan, Viehe, Weir and Winterbotham—37.

Senator Burrell voting in the negative.

The constitutional rule was suspended.

Engrossed House Bill No. 666 was read the second time by title only and the third time by sections.

The question being, shall the bill pass?

The ayes and noes were ordered and taken, resulting as follows:

Those who voted in the affirmative were: Senators Ben. Briscoe, Burrell, Coffey, Comstock, Davenport, Donham, Foster, Fowler, Garrigus, Harris, Hart, Kahlo, Kent, Kramer, Langdon, Leeper, Major, Menzies, Mercer, Moore, Olds, Peterson, Poindexter, Ragan, Reeve, Shaffer, Shirk, Smith, Streight, Tarlton, Taylor, Traylor, Treat, Trusler, Urmistan, Viehe, Weir and Winterbotham—39.

No one voting in the negative.

The bill passed.

The title of the bill was read and ordered by the Senate to stand approved.

Mr. Kent, from the committee on corporations, reported engrossed House Bill No. 82, entitled "An act in relation to foreign express companies," etc., with the report of the committee recommending its passage.

Which was placed on file without reading.

Mr. Kent, from the committee on corporations, reported engrossed House bill No. 610, entitled "An act to legalize the election of the board of trustees of the town of Pueblo," etc., with the report of the committee recommending its passage.

Which was placed on file without reading.

Mr. Winterbotham, from the committee on finance, reported House concurrent resolution No. 28, making allowances for the expenses of the House committee on prisons, with the report of the committee recommending that it be concurred in.

Which was placed on file.

Mr. Winterbotham, from the committee on finance, reported House concurrent resolution No. 30, in relation to the expenses of committees on benevolent institutions, with the report of the committee recommending that the resolutions be concurred in.

Which was placed on file without reading.

Mr. Kramer, from the committee on finance, reported House concurrent resolution No. 27, making certain allowances for the State House investigating committee, with the report of the committee recommending that it be concurred in.

Which was placed on file without reading.

Mr. Peterson, from the committee on roads, reported engrossed House bill No. 11, entitled, "An act to amend the act of March 3, 1877, authorizing boards of county commissioners to construct gravel roads," with the report of the committee recommending its indefinite postponement.

Which was placed on file without reading.

Mr. Leeper, from the committee on emigration and statistics, reported Senate Bill No. 168, entitled "An act creating a bureau of statistics," etc., with the report of the committee recommending that the bill lie on the table.

Which was placed on file without reading.

Mr. Urmstan, from the committee on finance, reported House Concurrent Resolution No. 31, authorizing the Speaker of the House to draw his warrant for certain amounts therein set forth, with the report of the committee recommending its adoption.

Which was placed on file without reading.

Mr. Donham, from the committee on rights and privileges, reported Engrossed House Bill No. 58, entitled "A bill to amend an act entitled an act declaring agreements to pay attorney fees contained in any bill of exchange, etc., illegal and void, and declaring an emergency," with the majority and minority reports of the committee; the majority report suggesting certain amendments, and when so amended recommending its passage; and the minority report recommending its passage without amendment.

Which was placed on file without reading.

Mr. Comstock, from the committee on the judiciary, reported Senate Bill No. 370, entitled "An act to amend section 527 of the Practice Act," with the majority report of the committee suggesting

certain amendments, and when so amended recommending that the bill do pass.

Which was placed on file without reading.

Mr. Tarlton, from the committee on agriculture, reported Engrossed House Bill No 179, entitled "An act to prevent the manufacture and sale of adulterated commercial fertilizers," with the report of the committee recommending its passage.

Which was placed on file without reading.

Mr. Garrigus, from the committee on canals, internal improvements and swamp lands, reported Engrossed House Bill No. 47, entitled "An act to enable the owners of wet lands to drain and reclaim them when the same can not be done without affecting the lands of others, prescribing the powers and duties of county boards and other officers in the premises," etc, with the majority report recommending its passage with amendments, and the minority report recommending its passage without amendments.

Which was placed on file without reading.

Mr. Kramer, from the committee on county and township business, reported engrossed House Bill No. 138, entitled "An act authorizing and requiring township trustees to apply surplus funds now on hands for road purposes and legalizing such applications where heretofore made," with the report of the committee recommending its indefinite postponement.

Which was placed on file without reading.

House Concurrent Resolution No. 27, making certain allowances for members of the State House investigating committee and for the per diem and mileage of witnesses in said investigation, was read, with the report of the committee recommending that it be concurred in.

Mr. Streight offered the following amendment to the resolution:

Strike out all that relates to A. B. Haynes, Hodgson, Eppinger, hausen and Allen.

Which was rejected.

The resolution was then adopted.

House Concurrent Resolution No. 28, relative to the mileage and expenses of House committee on prisons, was read, with the report of the committee recommending that the resolution be adopted.

The report of the committee was concurred in and the resolution adopted.

House Concurrent Resolution No. 31, authorizing the Speaker of the House to draw his warrant for certain amounts therein set forth, was read, with the report of the committee recommending its adoption.

Which was concurred in and the resolution adopted.

House Concurrent Resolution No. 34, relating to the hiring of rooms at the Occidental Hotel for the use of the special committee to investigate the benevolent institutions of the State, was read.

Mr. Foster offered the following amendment:

Amend as follows: Strike out of the resolution all relating to the hiring of room "C," Occidental Hotel.

Mr. Leeper offered the following amendment to the amendment:

Strike out that part of the resolution relating to the pay of the Door-keeper.

On motion of Mr. Taylor, the resolution and amendments were laid on the table.

House Joint Resolution No. 35, entitled "A joint resolution providing for the publication of an act concerning interest and usury, approved March 10, 1879, in each of the counties of the State, and providing the time when such act shall be in force," was read.

On motion of Mr. Langdon the resolution was laid on the table.

On motion of Mr. Traylor Engrossed House Bill No. 610, entitled "An act to legalize the election of the board of trustees of the town of Paoli, Orange county, Indiana, for the years 1878 and 1879," was read the second time with the report of the committee recommending its passage.

Which was concurred in.

Mr. Traylor moved that the constitutional rule be suspended, the bill considered engrossed, read the third time and put upon its passage.

The question being on the suspension of the constitutional rule.

The ayes and noes were ordered and taken, resulting as follows:

Those who voted in the affirmative were: Senators Benz, Burrell, Coffey, Comstock, Davenport, Donham, Foster, Garrigus, Grubbs, Harris, Hart, Kahlo, Kent, Kramer, Langdon, Leeper, Major, Menzies, Mercer, Moore, Olds, Poindexter, Sarnighausen, Shaffer,

Smith, Streight, Tarlton, Taylor, Traylor, Treat, Trusler, Urmsa, Viehe and Winterbotham—34.

No one voting in the negative.

The constitutional rule was suspended.

Engrossed House Bill No. 610, was read the second time by title and the third time by sections.

The question being, shall the bill pass?

The ayes and noes were ordered and taken, resulting as follows:

Those who voted in the affirmative were: Senators Benz Coffey, Comstock, Davenport, Donham, Foster, Garrigus, Grubbs, Harris, Hart, Kahlo, Kent, Kramer, Langdon, Leeper, Major, Menzies, Mercer, Moore, Olds, Poindexter, Sarnighausen, Shaffer, Smith, Streight, Tarlton, Taylor, Traylor, Treat, Trusler, Urmsa, Viehe, Weir and Winterbotham—34.

Senator Burrell voting in the negative.

The bill passed.

The title of the bill was read and ordered by the Senate to stand approved.

The Chair laid before the Senate the following communication from the Governor:

Gentlemen of the Senate:

I have received, approved and signed Senate bills numbered and entitled as follows:

No. 180. Entitled "An act to amend section 12 of an act entitled an act regulating the granting of divorces, nullification of marriages and decrees, and orders of court incident thereto, repealing conflicting laws, approved March 10, 1873," approved March 13, 1879.

No. 187. Entitled "An act amending sections 1, 2 and 20 of an act providing for the election and appointment of supervisors of highways, etc., approved March 5, 1877," approved March 13, 1879.

No. 17. Entitled "An act to enable the owners of wet lands to drain and reclaim them, when the same can not be done without affecting the lands of others, etc.," approved March 13, 1879.

No. 23. Entitled "An act to legalize the acts of the common council and of the mayor of the town of Huntington, Huntington county, Indiana, and all other officers of said corporation, under an act to amend section 5 of an act to incorporate the town of Hunting-

on, approved March 7, 1873, and declaring an emergency," approved March 14, 1879.

No. 22. Entitled "An act to legalize the acts of the board of trustees and other officers in connection therewith, of the town of New Haven, in Allen county, and of other towns in the State incorporated under the general laws of the State for the incorporation of towns, in the levy and assessment of taxes for town and other purposes, for the years 1874, 1875, 1876, 1877 and 1878, approved March 14, 1879."

No. 169. Entitled "An act to prevent persons who are the mortgagors of goods and chattels, and who, by the terms of the mortgage, retain possession of the same, from running off, hiding, secreting, selling, exchanging or otherwise disposing of such property in violation of the terms of the mortgage, and prescribing penalties for the same," approved March 14, 1879.

No. 280. Entitled "An act supplemental to an act to establish public libraries, approved February 16, 1852, defining the powers and duties of township trustees in relation to libraries established for the benefit and use of all the inhabitants of a township by private donation," approved March 14, 1879.

No. 194. Entitled "An act to amend section 2 of an act defining who shall be competent witnesses in any court or judicial proceedings in this State, etc., approved March 11, 1867," approved March 15, 1879.

No. 258. Entitled "An act to legalize the acts of the board of commissioners of Allen county and the acts of the common council of the city of Fort Wayne in the annexation of lots, lands and territory to the limits of the city of Fort Wayne, in said county, and declaring an emergency," approved March 15, 1879.

And have caused the same to be deposited in the office of the Secretary of State.

JAMES D. WILLIAMS.

Governor's Office, March 15, 1879.

Mr. Harris moved that the publication of the calendar for the coming week be dispensed with.

Which was agreed to.

Mr. Shaffer moved to take up House Bill No. 377.

Mr. Foster moved as a substitute that Senate bills on second reading be taken up.

Which was agreed to.

Senate Bill No. 53, entitled "A bill amending section 94 of an act to provide for a uniform assessment of property," etc., coming up, was read the second time together with the report of the committee recommending its passage.

Which report was concurred in and the bill ordered engrossed.

Senate Bill No. 74, entitled "An act regulating the working of coal mines," etc., coming up, the report of the committee recommending that the bill lie on the table was read and concurred in.

Senate Bill No. 75, entitled "A bill to enable purchasers at sheriff's sales, etc., to perfect their titles," etc., coming up, was laid on the table.

Senate Bill No. 85, entitled "An act to establish probate courts in all the counties of this State," etc., coming up, the report of the committee recommending that it be indefinitely postponed was read and concurred in.

Senate Bill No. 86, entitled "An act to amend the common school law," coming up, the report of the committee recommending that it be indefinitely postponed was read and concurred in.

Senate Bill No. 87, entitled "An act requiring the township, town and city assessors to make an enumeration of children," etc., coming up, the report of the committee recommending that the same do lie on the table, was read and concurred in.

Senate Bill No. 89, entitled "An act in relation to savings banks and the management thereof," coming up, the report of the committee recommending its indefinite postponement was read.

Mr. Winterbotham offered the following amendment to the report of the committee:

Amend the report of the committee by striking out "indefinite postponement" and insert in lieu thereof the following: "that the bill do pass."

Mr. Leeper moved that the bill and report lie on the table.

The ayes and noes were demanded by Messrs. Leeper and Shaffer, which being ordered and taken resulted as follows:

Those who voted in the affirmative were: Senators Coffey, Kent, Langdon, Leeper, Menzies, Moore, Poindexter, Sarnighausen, Shaffer, Smith and Streight—11.

Those who voted in the negative were: Senators Benz, Briscoe, Burrell, Comstock, Davenport, Davis, Donham, Foster, Grubbs,

art, Kahlo, Kramer, Mercer, Olds, Reeve, Tarlton, Taylor, Tray-
r, Treat, Trusler, Urmstan, Weir and Winterbotham—23.

The motion to lie on the table was rejected.

The Senate adjourned.

(Approved.)

ISAAC P. GRAY,

President of the Senate.

MONDAY MORNING.

MARCH 17, 1879.

Senate met at 9 o'clock A. M., Lieutenant-Governor Gray in the chair.

The reading of the Journal of Saturday's proceedings was begun and partially completed, when, on motion of Mr. Foster, the further reading was dispensed with.

Mr. Burrell moved that Senate Bill No. 427 be taken up.

Which was agreed to.

The bill was read a second time, and the report of the committee recommending its passage was also read, and the report of the committee concurred in and the bill ordered engrossed.

Leave of absence was granted to Senator Reeve for an indefinite period.

On motion of Senator Benz, Senate Bill No. 426 was read a second time, also the report of the committee was read and concurred in, and the bill ordered engrossed.

On motion of Mr. Comstock, Senate Bill No. 429 was taken up, read a second time, and the report of the committee recommending "that the same do pass," was read and concurred in, and the bill ordered engrossed.

The following message was received from the House by the Clerk thereof:

MR. PRESIDENT:

I am directed by the Speaker of the House to inform the Senate

that he has signed Enrolled Senate Acts Nos. 176, 125, 454 and 325.

And the same are herewith returned to the Senate.

On motion of Mr. Leeper Senate Bill No. 253 was taken up and read the second time, with the report of the committee recommending its passage.

The report of the committee was concurred in.

Mr. Leeper offered the following amendment:

Amend Senate Bill No. 253 by striking out the word "school," in line 17, and inserting in lieu thereof the words "special school local tuition." And further by adding after line 19 the following: "*Provided, however,* That the provisions of this act shall not apply to parcels of land containing less than ten acres."

Which was adopted and the bill ordered engrossed.

On motion of Mr. Winterbotham Senate Bill No. 89 was taken up.

Mr. Harris moved that the bill be indefinitely postponed.

Upon which Messrs. Olds and Winterbotham demanded the ayes and noes, which were ordered and taken, resulting as follows:

Those who voted in the affirmative were: Senators Coffey, Comstock, Garrigus, Harris, Leeper, Moore, Reiley and Streight—8.

Those who voted in the negative were: Senators Benz, Briscoe, Burrell, Comstock, Davenport, Donham, Foster, Fowler, Grubbs, Hart, Kahlo, Kramer, Major, Mercer, Olds, Ragan, Reeve, Sarnighausen, Smith, Taylor, Traylor, Treat, Trusler, Urmstan, Weir, Winterbotham, Wood and Woollen—28.

The motion was rejected.

Mr. Coffey moved to refer the bill to the judiciary committee.

Mr. Leeper made an ineffectual demand for the previous question.

On the motion to refer the bill to the judiciary committee the ayes and noes were demanded by Messrs. Winterbotham and Burrell, which being ordered and taken resulted as follows:

Those who voted in the affirmative were: Senators Cadwallader, Coffey, Comstock, Garrigus, Grubbs, Harris, Langdon, Leeper, Ragan, Reiley, Streight and Taylor—12.

Those who voted in the negative were: Senators Benz, Briscoe, Burrell, Davenport, Donham, Foster, Fowler, Hart, Kahlo, Kramer,

Major, Mercer, Olds, Reeve, Sarnighausen, Smith, Traylor, Treat, Trusler, Urmstan, Viehe, Weir, Winterbotham, Wood and Woollen—25.

The motion was rejected.

Mr. Burrell offered the following substitute:

MR. PRESIDENT:

I move as a substitute for the report of the committee by adding the following to the bill, to-wit:

Provided, however, That said banks shall have two years from the taking effect of this act to close up their business.

And when so amended that it do pass, upon which he demanded the previous question.

Which was seconded by the Senate, and the main question ordered.

Upon which Messrs. Burrell and Winterbotham demanded the ayes and noes, which being ordered and taken resulted as follows:

Those who voted in the affirmative were: Senators Benz, Briscoe, Burrell, Cadwallader, Comstock, Davenport, Donham, Foster, Fowler, Garrigus, Grubbs, Hart, Kahlo, Langdon, Major, Mercer, Moore, Olds, Ragan, Reeve, Sarnighausen, Smith, Streight, Taylor, Traylor, Treat, Trusler, Urmstan, Weir, Winterbotham, Wood and Woollen—32.

Those who voted in the negative were: Senators Harris and Reiley—2.

The substitute was adopted.

Mr. Traylor moved to adopt the bill as amended, upon which Mr. Olds demanded the previous question.

Mr. Burrell demanded a call of the Senate, which being ordered and taken showed the following members were present:

Senators Benz, Briscoe, Burrell, Cadwallader, Coffey, Comstock, Davenport, Donham, Foster, Fowler, Garrigus, Grubbs, Harris, Hart, Kahlo, Kramer, Langdon, Leeper, Major, Mercer, Moore, Olds, Reiley, Sarnighausen, Smith, Streight, Taylor, Traylor, Treat, Urmstan, Viehe, Weir, Wilson, Winterbotham, Wood and Woollen—36.

Mr. Burrell moved that further proceedings under the call be dispensed with.

Which was agreed to.

The question recurring on seconding the previous question.

The ayes and noes being ordered and taken, resulted as follows:

Those who voted in the affirmative were: Senators Cadwallader, Comstock, Davenport, Fowler, Garrigus, Grubbs, Harris, Kahl, Kramer, Langdon, Leeper, Mercer, Moore, Olds, Ragan, Reiler, Smith, Straight, Traylor, Treat, Trusler, Urmstan, Viehe, Weir, Wilson and Woollen—26.

Those who voted in the negative were: Senators Benz, Briscoe, Burrell, Coffey, Donham, Foster, Hart, Major, Sarnighausen, Tarlton, Taylor, Winterbotham and Wood—13.

The previous question was seconded.

The main question was ordered.

The question being on adopting the bill as a whole, the ayes and noes were demanded by Messrs. Harris and Leeper, which being ordered and taken, resulted as follows:

Those who voted in the affirmative were: Senators Benz, Briscoe, Burrell, Davenport, Donham, Foster, Hart, Kahl, Major, Mercer, Sarnighausen, Tarlton, Traylor, Treat, Urmstan, Weir, Winterbotham, Wood and Woollen—19.

Those who voted in the negative were: Senators Cadwallader, Coffey, Comstock, Fowler, Garrigus, Grubbs, Harris, Kent, Kramer, Langdon, Leeper, Moore, Ragan, Reiley, Smith, Straight, Taylor, Trusler, Viehe and Wilson—20.

The motion was lost.

Mr. Coffee, from the committee on enrolled bills, presented the following report:

MR. PRESIDENT:

Your committee on enrolled bills have examined Enrolled Senate Bill No. 452, and find it correctly enrolled.

Mr. Hart offered the following resolution:

Resolved, That in view of the necessity of bringing the special session to a close at the earliest day practicable, we will give the general and specific appropriation bills, and fee and salary bill and congressional appropriation bill priority over all other bills, and as soon as the above named bills are passed we will adjourn.

Mr. Fowler offered the following concurrent resolution as a substitute:

Resolved by the Senate (the House of Representatives concurring therein), that the present session of the General Assembly will adjourn sine die on next Monday, March 24, at 12 o'clock meridian.

Mr. Burrell moved to lay the resolution on the table.

The ayes and noes were demanded by Messrs. Trusler and Olds, which being ordered and taken, resulted as follows:

Those who voted in the affirmative were: Senators Benz, Burrell, Donham, Hart, Kent, Kramer, Sarnighausen, Tarlton, Taylor, Urmstan, Viehe and Winterbotham—12.

Those who voted in the negative were: Senators Briscoe, Cadwallader, Coffey, Comstock, Davenport, Foster, Fowler, Garri-gus, Grubbs, Harris, Kahlo, Leeper, Major, Mercer, Moore, Olds, Ragan, Reiley, Smith, Streight, Traylor, Treat, Trusler, Weir, Wilson, Wood and Woollen—27.

The motion was rejected.

Mr. Burrell offered the following substitute:

Amend the substitute as follows: *Provided*, That the general and specific appropriation bills and the congressional apportionment bill, the fee and salary bill and the metropolitan police bills shall have been passed by the Senate and House of Representatives.

Mr. Grubbs moved to reject and demanded the previous question.

The demand for the previous question was seconded by the Senate.

The question being, shall the main question be now put?

It was so ordered.

The question being on the motion to reject the substitute.

The ayes and noes were demanded by Messrs. Streight and Kahlo, which being ordered and taken, resulted as follows:

Those who voted in the affirmative were: Senators Benz, Briscoe, Cadwallader, Coffey, Comstock, Davenport, Fowler, Garri-gus, Grubbs, Harris, Kahlo, Langdon, Leeper, Major, Mercer, Moore, Olds, Ragan, Reiley, Smith, Streight, Taylor, Treat, Trusler, Weir and Wilson—26.

Those who voted in the negative were: Senators Burrell, Donham, Foster, Hart, Kent, Kramer, Sarnighausen, Tarlton, Traylor, Urmstan, Viehe, Winterbotham and Wood—13.

The motion to reject was agreed to.

Mr. Burrell offered the following amendment:

Amend the substitute as follows, to-wit: *Provided*, The general and specific appropriations, the fee and salary bill, congressional apportionment bill shall have passed the Senate and House of Representatives.

And on the amendment demanded the previous question, which was seconded by the Senate.

The question being, shall the main question now be put?

It was so ordered.

The question being on Mr. Burrell's amendment, Mr. Fowler demanded a division of the question.

The first question being on the general and specific appropriation bill.

The ayes and noes were demanded by Messrs. Fowler and Olds, which being ordered and taken resulted as follows:

Those who voted in the affirmative were: Senators Benz, Burrell, Cadwallader, Coffey, Comstock, Davenport, Donham, Foster, Fowler, Grubbs, Harris, Hart, Kahlo, Kent, Kramer, Leeper, Major, Moore, Olds, Peterson, Reiley, Sarnighausen, Smith, Tarlton, Traylor, Treat, Trusler, Urmstan, Viehe, Weir, Wilson, Winterbotham and Wood—33.

Those who voted in the negative were: Senators Briscoe, Garrigus, Langdon, Mercer, Ragan, Streight and Taylor—7.

The first proposition was adopted.

The question then being on the second proposition on the fee and salary bill.

The ayes and noes were demanded by Senators Foster and Olds, which being ordered and taken resulted as follows:

Those who voted in the affirmative were: Senators Briscoe, Burrell, Cadwallader, Coffey, Comstock, Davenport, Donham, Foster, Fowler, Garrigus, Grubbs, Harris, Hart, Kahlo, Kent, Kramer, Langdon, Leeper, Mercer, Moore, Peterson, Reiley, Sarnighausen, Smith, Streight, Tarlton, Traylor, Treat, Trusler, Urmstan, Viehe, Weir, Wilson and Wood—34.

Those who voted in the negative were: Senators Benz, Olds, Ragan and Taylor—4.

The second proposition was adopted.

The question then being on the third proposition on the congressional apportionment bill.

The ayes and noes were demanded by Senators Foster and Olds, which being ordered and taken resulted as follows:

Those who voted in the affirmative were: Senators Benz, Briscoe, Burrell, Donham, Foster, Fowler, Hart, Kent, Kramer, Leeper, Peterson, Reiley, Sarnighausen, Tarlton, Traylor, Urmstan, Viehe, Winterbotham, Wood and Woollen—20.

Those who voted in the negative were: Senators Cadwallader, Comstock, Davenport, Garrigus, Grubbs, Harris, Mercer, Moore, Olds, Ragan, Smith, Streight, Taylor, Treat, Trusler, Weir and Wilson—17.

The third proposition was adopted.

The question then being on adopting the amendment as a whole,

The ayes and noes were demanded by Senators Harris and Garrigus, which being ordered and taken resulted as follows:

Those who voted in the affirmative were: Senators Benz, Burrell, Donham, Foster, Fowler, Hart, Kent, Kramer, Leeper, Olds, Peterson, Reiley, Sarnighausen, Tarlton, Taylor, Traylor, Urmstan, Viehe, Winterbotham and Wood—20.

Those who voted in the negative were: Senators Briscoe, Cadwallader, Comstock, Davenport, Garrigus, Grubbs, Harris, Mercer, Moore, Ragan, Smith, Streight, Treat, Trusler, Weir and Wilson—16.

The amendment as a whole was agreed to.

The substitute as amended was adopted.

On motion of Mr. Harris the general appropriation bill was taken up.

House Engrossed Bill No. 592 was then read as amended by the Senate.

On motion of Mr. Harris the bill was recommitted to the chairman of the committee on finance to strike out "eight hundred dollars" and report "five hundred" as pay for janitor to Superintendent of Public Instruction.

The chairman immediately reported as instructed and the report was concurred in.

Mr. Winterbotham offered the following amendment:

Amend by striking out "for fuel, lights and water for the six offices, fifteen hundred dollars."

Mr. Winterbotham offered the following amendment:

Amend by striking out the words "two hundred" in line 82 and inserting in lieu thereof the words "one hundred and twenty-five."

Mr. Ragan offered the following amendment:

Amend by inserting immediately after the words "for the expenses of the several state boards as follows," the words "for the State Horticultural Society, three hundred dollars."

Mr. Burrell moved to recommit the bill to the committee on finance, with amendments, with instructions to report at 2 o'clock P. M.

Which was adopted.

The Senate adjourned.

AFTERNOON SESSION.

MARCH 17, 1879.

The Senate reassembled at 2 o'clock P. M., Lieutenant-Governor Gray in the chair.

Mr. Winterbotham, from the committee on finance, made the following report:

MR. PRESIDENT:

Your committee on finance, to whom was referred Engrossed House Bill No. 592, with certain amendments thereto, have had the same under consideration and instruct me to report it back with the following amendments:

First. Amend by striking out the words "two hundred" in line 82 and inserting in lieu thereof the words "one hundred and twenty-five."

Second. Add after the word "treasury," in line 89, "there is also appropriated the further sum of \$75,000 for the support and maintenance of the new Hospital for Insane: *Provided*, Such appropriation of \$75,000 to the new Hospital shall not take effect until said new Hospital is completed and occupied.

Third. Add after "for expenses for state boards" the words, for the State Horticultural Society the sum of \$300."

Which report was concurred in.

Mr. Leeper made an ineffectual motion to recommit the bill with, instructions to reduce the appropriation for current repairs of the Insane Asylum.

On motion of Mr. Winterbotham the bill was recommitted to the chairman of the finance committee, with instructions, who immediately returned the bill with the following report:

Amend by striking out "for fuel, light and water for the State officers, \$1,500."

Which report was concurred in.

Mr. Winterbotham moved that the bill be adopted as amended.

Mr. Streight offered the following motion:

I move to refer the general appropriation bill to the committee on finance, with instructions to report the same back with an amendment providing for the pay of the Adjutant General at \$825.

Mr. Winterbotham moved that the motion be rejected.

The ayes and noes were demanded by Senators Streight and Foster, which being ordered and taken resulted as follows:

Those who voted in the affirmative were: Senators Benz, Burrell, Donham, Fowler, Grubbs, Kent, Kramer, Leeper, Major, Menzies, Moore, Olds, Peterson, Reiley, Sarnighausen, Shaffer, Tarlton, T aylor, Urmstan, Viehe, Winterbotham and Wood—22.

Those who voted in the negative were: Senators Briscoe, Coffey, Comstock, Davenport, Dice, Foster, Garrigus, Harris, Hart, Kahlo, Mercer, Poindexter, Ragan, Shirk, Smith, Streight, Taylor, Treat, Trusler, Weir and Wilson—21.

The motion to reject was agreed to.

The motion to adopt the bill as amended was then agreed to.

Mr. Burrell moved that the Senate amendments be engrossed.

Which was agreed to.

The committee on enrolled bills made the following report:

MR. PRESIDENT:

Your joint committee on enrolled bills report that they have examined Enrolled Senate Bill No. 325 and find the same to be correctly enrolled.

Mr. Viehe introduced Senate Bill No. 456, entitled "An act to provide for the government and discipline of the State Prisons, prescribing punishments for the violations thereof, and to repeal an act to provide for the government and discipline of the State Prisons, approved February 5, 1857, and all other laws and parts of laws inconsistent herewith," which was read the first time.

Mr. Menzies offered the following amendment to section 26 of the bill:

Add "and the person who was elected warden of the Northern Prison on the 11th day of March, 1879, by the said board of directors of said Northern State's Prison, who were, and are hereby declared to have been elected at the said late regular session of the General Assembly as aforesaid, is hereby declared to have been elected, and he shall hold the office of warden of said prison for the period of four years from said date."

Mr. Olds moved to refer the bill and amendment to the committee on the judiciary.

Mr. Menzies moved to refer to a special committee of five.

Which was agreed to.

The chair appointed as such committee Messrs. Viehe, Langdon, Kent, Dice and Urmstan.

Mr. Poindexter moved to suspend the constitutional rule, that Senate Bill No. 426 be read a third time.

The ayes and noes being ordered and taken resulted as follows:

Those who voted in the affirmative were: Senators Benz, Briscoe, Burrell, Coffey, Comstock, Davenport, Dice, Foster, Fowler, Gargigus, Grubbs, Harris, Hart, Kahlo, Kent, Kramer, Langdon, Leeper, Major, Menzies, Mercer, Moore, Olds, Peterson, Poindexter, Ragan, Reiley, Sarnighausen, Shaffer, Shirk, Smith, Streight, Taylor, Treat, Trusler, Urmstan, Viehe, Weir, Wilson, Winterbotham and Woollen—41.

Those who voted in the negative were: Senators Donham and Tarlton—2.

The motion to suspend the constitutional rule was agreed to.

Senate Bill No. 426 was then read the third time.

The question being, shall the bill pass?

The ayes and noes were ordered and taken, resulting as follows:

Those who voted in the affirmative were: Senators Benz, Briscoe, Coffey, Comstock, Davenport, Dice, Foster, Fowler, Garrigus, Grubbs, Harris, Hart, Kahlo, Kent, Kramer, Leeper, Major, Mercer, Moore, Olds, Peterson, Poindexter, Ragan, Reiley, Sarnighausen, Shaffer, Shirk, Smith, Streight, Tarlton, Taylor, Traylor, Treat, Trusler, Urmstan, Viehe, Weir, Wilson, Wood and Woollen—40.

Those who voted in the negative were: Senators Burrell, Donham and Winterbotham—3.

The bill passed.

The question being, shall the title stand as the title of the bill?
It was so ordered.

Mr. Foster moved to take up Senate Bill No. 171.

Which was agreed to.

Senate Bill No. 171 was then read a second time, and the report of the committee read and concurred in.

Mr. Foster then moved that the constitutional rule be suspended, and the bill be read a third time now.

The ayes and noes being ordered and taken resulted as follows:

Those who voted in the affirmative were: Senators Benz, Briscoe, Burrell, Comstock, Davenport, Dice, Donham, Foster, Fowler, Garrigus, Grubbs, Harris, Hart, Kahlo, Kent, Kramer, Leeper, Major, Menzies, Mercer, Moore, Olds, Peterson, Poindexter, Ragan, Reiley, Shaffer, Smith, Streight, Tarlton, Taylor, Traylor, Treat, Trusler, Urmstan, Viehe, Weir, Wood and Woollen—39.

Senator Wilson voting in the negative.

The constitutional rule was suspended.

The bill was read a third time.

The question then being, shall the bill pass?

The ayes and noes being taken resulted as follows:

Those who voted in the affirmative were: Senators Benz, Briscoe, Burrell, Cadwallader, Comstock, Davenport, Dice, Donham, Foster, Fowler, Garrigus, Grubbs, Harris, Hart, Kahlo, Kramer, Langdon, Leeper, Major, Menzies, Mercer, Moore, Olds, Peterson, Poindexter, Ragan, Reiley, Shaffer, Smith, Streight, Tarlton, Taylor, Traylor, Treat, Trusler, Urmstan, Viehe, Weir, Wilson, Winterbotham, Wood and Woollen—42.

No one voting in the negative.

The bill passed.

Mr. Harris moved to amend the title as follows :

"An act to amend section 17 of an act defining felonies and prescribing punishments therefor, approved June 10, 1852, and to declare certain acts felonies and prescribing punishments therefor."

Which was adopted.

The question then being, shall the title stand as the title of the bill?

It was so ordered.

The following message was received from the House by the Clerk thereof:

MR. PRESIDENT:

I am directed by the Speaker of the House to inform the Senate that the House has concurred in Senate amendments to engrossed House bill No. 663.

Mr. Woollen reported back House Bill No. 344 on fees and salaries with substitute embracing new matter.

Mr. Wood offered the following amendment:

Strike out "twenty-five cents," in line 6, section 27, and insert instead, "fifty cents."

Mr. Streight moved that the Senate resolve itself into a committee of the whole for the purpose of considering House Bill No. 344.

Mr. Moore moved to postpone the consideration of the bill until to-morrow afternoon, and that it be made a special order at 2 o'clock, P. M.

Which was agreed to.

On motion of Mr. Streight the committee on finance had leave to report the specific appropriation bill.

Mr. Winterbotham, from the committee on finance, reported House Bill No. 640.

Mr. Urmstan moved to take up Engrossed House Bill No. 59.

Mr. Harris moved as a substitute that the report on House Bill No. 640 be taken up.

Mr. Burrell moved as a substitute to take up the contested election case of Sansberry vs. Smith.

Which was rejected.

Mr. Harris' substitute was agreed to.

The report of the finance committee on Engrossed House Bill No. 640 was read.

The following message was received from the House by the Clerk thereof:

MR. PRESIDENT:

I am directed by the Speaker of the House to inform the Senate that he has signed House Enrolled Acts Nos. 661, 665, 660 and 662.

Also, Enrolled Senate Act No. 453.

And the same are herewith transmitted to the Senate.

Mr. Viehe offered the following amendment:

Amend by striking out all about "lost coat."

Mr. Traylor offered the following as a substitute:

Amend the report of the committee by striking out "item 23."

Which was agreed to.

Mr. Streight offered the following amendment:

Amend item 13 by adding: *Provided*, That any sewer that may be required shall be made either of brick or glazed pipe."

Which was agreed to.

Mr. Shaffer offered the following amendment:

Amend item 18, line 5, after A. H. Shaffer, strike out "thirty-five dollars" and insert "fifteen dollars."

Which was agreed to.

Mr. Sarnighausen offered the following amendment:

Amend by striking out item 21.

Mr. Harris offered the following resolution:

WHEREAS, The amendments made by the Senate to engrossed House Bill No. 592 were made by reference to the lines as numbered on the printed copy, and said numbers are not identical with the engrossed bill; therefore

Resolved, That the Secretary be directed to change the numbers of the lines in the Senate amendments so as to indicate to the House just where the Senate intended the same to be made in the engrossed bill.

Which was adopted.

Mr. Kramer having requested to be relieved from serving on the committee to investigate the benevolent institutions, the chair appointed Senator Reiley in his stead.

The Senate adjourned.

(Approved.)

ISAAC P. GRAY,
President of the Senate.

TUESDAY MORNING.

MARCH 18.

Senate met at 9 o'clock A. M. Lieutenant-Governor Granger in the chair.

The following message was received from the House by the Secretary thereof:

MR. PRESIDENT:

I am directed by the Speaker of the House to inform the Senate that the House has passed Engrossed House Bill No. 620, entitled "An act to provide for a general system of common schools, and for the care and management of the school funds and revenues."

And the same is herewith transmitted to the Senate for its consideration thereon.

And by direction of the House, I am instructed to inform the Senate that the House respectfully requests for the bill herewith transmitted the early consideration by the Senate.

The Journal of the previous day was being read, when, on motion of Mr. Fowler, the further reading was dispensed with.

On motion of Senator Briscoe, Engrossed House Bill No. 445 was taken up.

Engrossed House Bill No. 446, entitled "A bill authorizing and empowering the board of commissioners of the several counties of this State to make appropriations for the relief of the citizens of their respective counties in certain cases therein named."

Was read a first time and referred to the committee on fees and salaries.

On motion of Mr. Shaffer, Engrossed House Bill No. 377, entitled "A bill for an act to regulate the practice of medicine, midwifery and surgery, and to provide penalties for violating the same."

Was read the first time and referred to a special committee of three.

The Chair appointed as such committee Senators Shaffer, Woollen and Mercer.

Mr. Viehe, from the select committee to whom was referred Senate Bill No. 456, submitted the following report:

MR. PRESIDENT:

Your select committee, to whom was referred Senate Bill No. 456, have had the same under consideration and directed me to report the bill back, with the recommendation that it be amended as follows, and when so amended it do pass:

In line 13 of section 9, strike out "if any" and insert "no."

In line 19 of the same section, strike out "their" and insert "his."

In line 23 of the same section, strike out "that" and insert "no."

Amend further by striking out section 26 and insert the following in lieu thereof:

Section 26. The directors elected at the late regular session of the General Assembly of the State of Indiana for the State Prisons north and south shall hold the offices to which they were declared elected, and the director of the Southern State Prison holding over shall continue in office for the term for which he was elected, and the warden of the Southern State Prison who has been elected for a term of years is hereby continued in office until the expiration of the term for which he was elected, and the person who was elected warden of the Northern State Prison on the 11th day of March, 1879, by the said board of directors of said Northern State Prison who were and are hereby declared to have been elected at the said late regular session of the General Assembly, as aforesaid, is hereby declared to have been elected to, and he shall hold the office of warden of said prison for the period of four years from said date, subject to removal as herein provided.

The report of the committee was read and concurred in.

Mr. Viehe moved that the bill be read the second time.

Mr. Winterbotham moved to amend by taking up the specific appropriation bill.

Mr. Burrell moved to take up the contested election case of *Sansbury vs. Smith*.

The question being on the motion of **Mr. Burrell**.

The ayes and noes were demanded by Messrs. Olds and Burrell, which being ordered and taken resulted as follows:

Those who voted in the affirmative were: Senators Benz, Briscoe, Burrell, Davis, Dice, Donham, Foster, Fowler, Garrigus, Grubbs,

Hart, Hefron, Leeper, Menzies, Olds, Poindexter, Reiley, Sarnighausen, Shaffer, Streight, Tarlton, Taylor, Traylor, Urmstan, Wilson and Winterbotham—26.

Those who voted in the negative were: Senators Cadwallader, Comstock, Davenport, Harris, Kahlo, Kent, Kramer, Major, Mercer, Peterson, Ragan, Shirk, Treat, Trusler, Viehe, Weir and Woollen—17.

The motion was agreed to.

The following majority report of the committee on elections was then read, viz:

MR. PRESIDENT:

The undersigned, a majority of the committee on elections, to whom was referred the contested election case of James W. Sansberry vs. Marcus C. Smith, submit the following report:

There was no inspector appointed by the board of commissioners for the additional voting places in the townships in Delaware county having more than one place of voting. "An act of 1859 provides if the inspector fails to appear at the proper hour on the day for the election, that then the qualified voters present shall appoint an inspector and judges and clerks shall then be elected." This act was intended to prevent a failure of holding elections which might be occasioned by the want of officers to conduct the same, and should for the purposes of enabling the people to express their will be liberally construed, under the liberal rules of interpretation, applicable to laws regulating elections. We think that when the board of commissioners fails to appoint an inspector, the electors may under this act make the appointment.

The evidence shows that the electors did not make formal appointments; in some cases the inspectors acted under verbal information that they had been appointed by the board, and in one case the township trustee was sick, and, therefore, directed his brother to act for him; but in all cases the inspectors and other officers acted without objection from those present when the polls were opened, and no elector objected during the whole day. This acquiescence and silent consent is, in our opinion, equivalent to an appointment by the electors. Some of the officers who conducted the elections did not possess the qualifications required by law. That the irregularity does not vitiate an election is too well settled to require discussion; indeed, all proceedings at elections, when honestly conducted, must be very liberally construed. They are necessarily little understood

Mr. Viehe introduced Senate Bill No. 456, entitled "An act to provide for the government and discipline of the State Prison, prescribing punishments for the violations thereof, and to repeal an act to provide for the government and discipline of the State Prisons, approved February 5, 1857, and all other laws and parts of laws inconsistent herewith," which was read the first time.

Mr. Menzies offered the following amendment to section 26 of the bill:

Add "and the person who was elected warden of the Northern Prison on the 11th day of March, 1879, by the said board of directors of said Northern State's Prison, who were, and are hereby declared to have been elected at the said late regular session of the General Assembly as aforesaid, is hereby declared to have been elected, and he shall hold the office of warden of said prison for the period of four years from said date."

Mr. Olds moved to refer the bill and amendment to the committee on the judiciary.

Mr. Menzies moved to refer to a special committee of five. Which was agreed to.

The chair appointed as such committee Messrs. Viehe, Langdon, Kent, Dice and Urmstan.

Mr. Poindexter moved to suspend the constitutional rule, that Senate Bill No. 426 be read a third time.

The ayes and noes being ordered and taken resulted as follows:

Those who voted in the affirmative were: Senators Benz, Briscoe, Burrell, Coffey, Comstock, Davenport, Dice, Foster, Fowler, Garrigus, Grubbs, Harris, Hart, Kahlo, Kent, Kramer, Langdon, Leeper, Major, Menzies, Mercer, Moore, Olds, Peterson, Poindexter, Ragan, Reiley, Sarnighausen, Shaffer, Shirk, Smith, Streight, Taylor, Treat, Trusler, Urmstan, Viehe, Weir, Wilson, Winterbotham and Woollen—41.

Those who voted in the negative were: Senators Donham and Tarlton—2.

The motion to suspend the constitutional rule was agreed to.

Senate Bill No. 426 was then read the third time.

The question being, shall the bill pass?

The ayes and noes were ordered and taken, resulting as follows:

construction can be avoided,) should be so construed as to have the effect. The section above quoted does not expressly abrogate the old voting places—it only imposes duties on the board of commissioners. It contains no negative provisions except in providing that there shall be but one voting place in a precinct. If the effect of this section is that in townships in which there had been more than one voting place, no valid election can be held until the board of commissioners shall designate precincts by definite boundaries and establish the voting places, then the people of such townships may be disfranchised by the neglect or corruption of the board.

Sooner than produce this result the constitutional guarantee should be given full effect by holding valid an election held at the established places until the board of commissioners discharges its duty by establishing precincts and designating only one voting place in each, or the provision of section 1 of the act of 1877, to the effect that there shall be but one voting place in a precinct, must be construed in harmony with other provisions of the section, as imposing a duty on the board which can be discharged only by complying with all the requirements of the section, and that until this is done the people may express their will at the usual places of holding elections.

From these considerations it is our opinion that the contestee is duly elected, and we recommend that the Senate do so adjudge.

S. M. TAYLOR,

E. R. WILSON,

F. W. VIEHE,

RICHARD L. COFFEY.

The following minority report of said committee on elections was read, viz:

MR. PRESIDENT:

Your committee on elections, to whom was referred the contested election case of James W. Sansberry against Marcus C. Smith, have had the case under consideration, and find the facts to be as follows:

The contestor and contestee were the only candidates voted for as Senator for the district composed of the counties of Delaware and Madison.

A certificate of election was issued to the contestee in due form. The evidence shows that the contestee received:

In Delaware county, 2,860 votes; in Madison county, 2,312 votes. Total, 5,179.

The contestor received:

In Delaware county, 1,336; in Madison county, 3,299. Total, 4,635.

Showing contestee's majority, 144.

On the 2d of September, 1878, the board of commissioners of Delaware county designated the place of holding elections in the several townships as follows:

In Salem township, at Daleville and Stewart school house.

In Mount Pleasant township, at Yorktown.

In Harrison township, at Null's school house.

In Washington township, at Newcomer and Wheeling.

In Monroe township, at school house No. 5.

In Centre township, at court house.

In Harrison township, at Centre school house.

In Union township, at town of Eaton.

In Perry township, at New Burlington.

In Liberty township, at Selma and Smithfield.

In Delaware township, at Sharon and Albany.

In Niles township, at Granville and Centre school house.

All of these had been voting places for from two to twenty or more years, except in Union township, at the town of Eaton, and in Harrison, at Null's school house. These last two had been designated at the June term, 1878, but no notice of any of the changes so made was given as required by law.

It appears that in five townships in Delaware county there were two places of holding elections, and that the commissioners did not at any time designate boundaries therefor, or divide them into precincts, or give any notice therefor as required by law.

In Harrison, at Center School House.

In Union, at the town of Eaton.

In Perry, at New Burlington.

In Liberty, at Salem and Smithfield.

In Delaware, at Sharon and Albany.

In Niles, at Granville and Center School House.

All of these had been voting places from two to twenty or more years, *except* in Union township, at the town of Eaton, and in Harrison at Nulls' School House. These last two had been designated at the June term, 1878, but no notice of the changes was ever given as required by law.

It appears that in five townships in Delaware county there were two places of holding elections, and that the commissioners did not at any time designate definite boundaries therefor, or divide them

into precincts, and that in said five townships the contestee received 892 votes, the contestor received 604 votes, giving to the former in these townships a majority of 288 votes. So that if these townships are not counted the contestor will have a majority of 980 votes. At the places in each of the five townships in Delaware county in which the commissioners failed to designate the precincts by metes and bounds, as required by law, and at which the trustee did not preside as inspector the contestee and contestor each received the following votes:

At Salem township, brick school house, Smith, 88; Sansberry, 73.

In Washington township, New Corners, Smith, 77; Sansberry, 52.

Liberty township, Selma, Smith, 218; Sansberry, 68.

Delaware township, Sharn, Smith, 86; Sansberry, 55.

Delaware township, Albany, Smith, 83; Sansberry, 68.

Nile township, Granville, Smith, 56; Sansberry, 30.

Rejecting the vote at the above-named places for each of the above-named candidates, leaves Sansberry's majority 129.

Other irregularities are complained of in Delaware county, and your committee further finds that Albert Gates was trustee of Perry township and sick on the day of the election, and did not attend the same, but gave his brother, Albro Gates, a written appointment to act for him as inspector, which he did. Albro Gates appointed two judges and two clerks, one of each a democrat and other a republican. All were duly sworn.

In this township the contestee received 193 votes; the contestor received 66 votes.

It further appears that for the five townships in which there was two voting places the commissioners at the June term, 1878, did not appoint of record in each additional precinct as inspector of such election a qualified voter who was a freeholder and resident householder in such precinct for at least one year next preceding such election, but that, except as to William J. Moore for the Selma precinct in Liberty township, and George W. Jones for Sharon precinct in Delaware township, said appointments were not made a matter of record as required by law.

In Niles township, Daniel N. Patterson was trustee. There were two voting places, Centre school house and Granville. He acted as inspector at Centre school house. These had been voting-places for at least fourteen years.

Isaiah Dudleston acted as inspector at Granville. He appointed two judges and two clerks, and administered the oath to the judges, and one of the judges then administered the oath to the inspector and to the clerks.

The contestee received at Granville, 56 votes; at Centre school house, 84 votes.

The contestor received at Granville, 30 votes; at Centre school house, 78 votes.

In Washington township, Mark Reeves was trustee, and acted as inspector at the Wheeling precinct. This has been a voting place for years.

James Hedgeland acted as inspector at New Corner precinct, in said township. He had acted as inspector for seventeen or eighteen years before, with the exception of two elections.

He appointed two judges and two clerks, one of each a Democrat and a Republican. He was sworn by the auditor of the county before the election, and he administered the oath to the judges and the clerks. This had been a voting place for twenty years.

The contestee received at Wheeling, 68 votes; at Newcomer, 77 votes.

The contestor received at Wheeling, 64 votes; at Newcomer, 52 votes.

William W. Cornelius was trustee of Salem township, in which were two voting places, one at Daleville, where he acted as inspector. This had been a voting place since 1876; the other at a place formerly known as the Brick school house, now, however, known as Stewart's school house, District 7. William A. Shoemaker, acted as inspector at the latter place. This has been a voting place for at least twelve years. Shoemaker organized the board on the morning of the election by a vote of the electors present.

He appointed the judges, and they with him appointed the clerks. He administered the oath to the judges, and one of them to him, and he then swore the clerks.

The contestee received at Daleville, 93 votes; at brick school house, 88 votes.

The contestor received at Daleville, 98 votes; at brick school house, 73 votes.

In Delaware township there were two voting places, one at Sharon and the other at Albany. George W. Jones acted as inspector at Sharon. He so acted because the county auditor notified him verbally that he had been appointed by the commissioners. He ap-

pointed two judges and two clerks, one of each a democrat and republican. He swore the judges and one of them administered the oath to him, and he then swore the clerks. Sharon had been a voting place for at least ten years and Albany for twelve years.

The contestee received at Albany, 83 votes; at Sharon, 86 votes.

The contestor received at Albany, 68 votes; at Sharon, 55 votes.

In Liberty township there were two voting places, one at Selma and the other at Smithfield. The trustee acted as inspector at the latter place.

At the former place William J. Moore acted as inspector because he was notified by the trustee and others that he had been appointed by the commissioners. He appointed two judges and two clerks, one of each of which was a democrat and the other a republican. They were duly sworn. These same places had been voting places for twenty-five years.

The contestee received at Smithfield, 39 votes; at Selma, 25 votes.

The contestor received at Smithfield, 18 votes; at Selma, 6 votes.

In the five townships in which there were two voting places the persons named below were appointed as follows as inspectors therein:

William J. Moore for Liberty.

George W. Jones for Delaware.

Isaiah Dudleston for Niles.

James Hedgland for Washington.

William A. Shoemaker for Salem.

The committee further find from the evidence, that the persons acting in an official capacity at the several polls did so in good faith, and that there was no corruption or fraud practiced. That all the voters who desired to do so voted, and no person voted who was not a legal elector, and no elector made any objections to the several boards or any member thereof, and without saying who received the majority of legal votes, the committee do find that a majority of 1,124 of the electors who had a right to vote in their respective townships in Delaware county, cast their ballots for the contestee.

The committee find the following state of facts as to the election in Madison county:

In Union township Stephen Johns acted as judge, and was neither a householder or freeholder. In this township Sansberry's majority was 111 votes.

In Boone township Adam Shipley acted as judge, and he was not a freeholder for or one year next preceding the election, Sansberry's majority was 135 votes.

In Jackson township Samuel M. Shinkle acted as judge, and was not a freeholder, Sansberry's majority was 11 votes.

In Lafayette township J. Hollingsworth and Isaac P. Osborn were judges and the records in the auditor's office do not disclose that either of them are freeholders. Sansberry's majority in this township was 156 votes.

In Ripe Creek township, Ira Kidwell was trustee; he gave David C. Dehority a verbal appointment as inspector, and administered to him the oath of office. He then swore in the two judges. At noon part of the board left the place of election of receiving votes, and the opportunity was taken away from voters to cast their ballots that were offered at that time. Sansberry's majority at this precinct was 119 votes.

In the same township, at Franklin precinct, John E. Canady, not having been appointed by the commissioners, was selected by a majority of the voters present, on the morning of the election. He was not a householder at the time. The board adjourned, but did not leave the room for dinner and supper. Sansberry's majority at this precinct was 143 votes.

The committee find that in Madison county the votes were cast as follows: For contestor, 3,299; for contestee, 2,319. Majority for contestor, 980.

It appears that in the five townships in Madison county in which there were irregularities, that the contestee received 1,187 votes; the contestor received 522 votes. Giving in these five townships 665 votes of a majority to the contestor. So that if the votes are rejected in the five townships in both counties, respectively, the contestee would have a majority of 522 votes.

The committee further find, from the evidence, that in Madison county the persons acting in an official capacity at the several polls did so in good faith, and that there was no fraud or corruption practiced. That all voters who desired to do so voted, and no person voted who was not a legal voter, with but a single exception, and no electors made any objections to the several boards or any members thereof, and that a majority of 980 of the electors who had a right to, in their respective townships in Madison county, cast their ballots for the contestor.

Senatorial District, composed of the counties of Madison and

Delaware, a minority of your committee further find that James W. Sansberry was duly elected and is entitled to a seat in this General Assembly as Senator representing the Senatorial District composed of the counties of Madison and Delaware; therefore, be it

Resolved, That James W. Sansberry was duly elected and is entitled to a seat in this General Assembly as Senator.

The minority of your committee is of the opinion that the only question in this case is the non-action of the board of commissioners of Delaware county under the act of March 14, 1877. We are of the opinion that the act above referred to is constitutional, and that the same was not enforced by the board of commissioners of Delaware county, and therefore the election in the five townships mentioned was not authorized by law. We are of the opinion that the Legislature has the power to fix the place of holding elections, and that if there is no place designated, as required by law to be, that there can not be a legal election.

We are of the opinion that the time of holding all general elections in this State is fixed by the constitution, but that the place is to be fixed by some legislative enactment, and when so fixed to be enforced by the officers of the law, and that the failure of the officer to enforce the law will render the election held at a place not designated illegal.

The act of March 14, 1877, defines the powers and duties of the board of commissioners as to fixing the place or places of holding elections, is constitutional and binding, and the failure to enforce the same in that particular renders an election attempted to be held in the absence of the board of commissioners, in that regard, is illegal and void. This case does not turn upon the constitutional right of the citizen to vote, but upon the question as to whether there has been a place designated at which such elector may exercise the right to vote.

A minority of your committee find that Marcus C. Smith was not elected to the office of Senator in the General Assembly, representing the Senatorial District composed of the counties of Madison and Delaware.

W. F. REILEY.

B. H. BURRELL.

The question being first on the adoption of the minority report.

The ayes and noes were demanded by Messrs. Burrell and Kable, which being ordered and taken, resulted as follows:

Those who voted in the affirmative were: Senators Benz, Briscoe, Burrell, Donham, Fowler, Reiley and Tarlton—7.

Those who voted in the negative were: Senators Cadwallader, Coffey, Comstock, Davenport, Dice, Foster, Garrigus, Grubbs, Harris, Hart, Hefron, Kahlo, Kent, Kramer, Langdon, Leeper, Major, Menzies, Mercer, Moore, Olds, Peterson, Poindexter, Ragan, Sarnighausen, Shaffer, Shirk, Streight, Taylor, Traylor, Treat, Trusler, Urmstan, Viehe, Weir, Wilson, Winterbotham, Wood and Woollen—39.

The minority report was rejected.

The question recurring on the adoption of the majority report.

The ayes and noes were demanded by Messrs. Burrell and Foster, which being ordered and taken, resulted as follows:

Those who voted in the affirmative were: Senators Cadwallader, Coffey, Comstock, Davenport, Dice, Foster, Garrigus, Grubbs, Harris, Hart, Kahlo, Kent, Kramer, Langdon, Leeper, Major, Menzies, Mercer, Moore, Olds, Peterson, Poindexter, Ragan, Sarnighausen, Shaffer, Shirk, Streight, Taylor, Traylor, Treat, Trusler, Urmstan, Viehe, Weir, Wilson, Winterbotham, Wood and Woolen—38.

Those who voted in the negative were: Senators Benz, Briscoe, Burrell, Donham, Fowler, Hefron, Reiley and Tarlton—8.

The majority report was adopted.

Mr. Winterbotham moved to take up the specific appropriation bill.

Which was agreed to.

The question being on the motion to strike out item 21 of the committee's report.

The ayes and noes were demanded by Messrs. Ragan and Langdon, which being ordered and taken, resulted as follows:

Those who voted in the affirmative were: Senators Benz, Burrell, Coffey, Comstock, Davenport, Foster, Fowler, Garrigus, Hefron, Leeper, Major, Menzies, Mercer, Moore, Olds, Reiley, Sarnighausen, Shaffer, Shirk, Weir and Wilson—21.

Those who voted in the negative were: Senators Cadwallader, Davis, Dice, Donham, Grubbs, Harris, Hart, Kahlo, Kent, Kramer, Langdon, Peterson, Poindexter, Ragan, Smith, Streight, Tarlton,

Taylor, Treat, Trusler, Urmstan, Viehe, Winterbotham, Wood and Woollen—25.

The motion was rejected.

The following message was received from the House, by the Clerk thereof:

MR. PRESIDENT:

I am directed by the Speaker of the House to inform the Senate that the House has passed Engrossed House Bill No. 591, entitled "An act to amend section 8 of an act regulating the granting of divorces, nulification of marriages," etc.

Also, Engrossed House Bill No. 530, entitled "An act to prevent the sale of spirituous, vinous and malt liquors on fair grounds."

Also, that he has signed Enrolled House Acts Nos. 610 and 664. And the same are herewith transmitted to the Senate.

The Senate adjourned.

AFTERNOON SESSION.

MARCH 18, 1879.

The Senate reassembled at 2 o'clock P. M., Lieutenant-Governor Gray in the chair.

Mr. Fowler moved to take up Senate Bill No. 456, entitled "An act relative to State Prisons."

Mr. Benz moved to amend by taking up Engrossed House Bill No. 115.

Mr. Streight moved, as a substitute for the whole matter, that the general appropriation bill be taken up.

The question being on the motion of Mr. Streight.

The ayes and noes were demanded by Messrs. Harris and Benz, which being ordered and taken resulted as follows:

Those who voted in the affirmative were: Senators Benz, Briscoe, Cadwallader, Comstock, Davenport, Dice, Garrigus, Grubbs, Harris, Kahlo, Langdon, Mercer, Moore, Olds, Poindexter, Ragan, Sarnig-hausen, Shaffer, Shirk, Smith, Streight, Taylor, Traylor, Treat, Trusler, Weir, Wilson and Winterbotham—29.

Those who voted in the negative were: Senators Burrell, Coffey, Davis, Donham, Foster, Fowler, Hart, Hefron, Kent, Kramer, Major, Menzies, Peterson, Reiley, Tarlton, Urmstan, Viehe and Wood—18.

The motion was agreed to.

The following message was received from the House by the Clerk thereof:

MR. PRESIDENT:

I am directed by the Speaker of the House to inform the Senate that he has signed House Concurrent Resolution No. 27.

Also, enrolled House Act No. 666.

And the same are herewith transmitted to the Senate for the signature of the President thereof.

Engrossed House Bill No. 592, entitled "An act making general appropriations for the support of the state government for the years 1880 and 1881," etc., was taken up and read the third time, with the Senate amendments thereto.

The question being, shall the bill pass?

The ayes and noes were ordered and taken, resulting as follows

Those who voted in the affirmative were: Senators Briscoe, Cadwallader, Coffey, Comstock, Davenport, Davis, Donham, Fowler, Grubbs, Harris, Kahlo, Kent, Kramer, Langdon, Leeper, Major, Mercer, Moore, Olds, Peterson, Poindexter, Ragan, Shaffer, Shirk, Smith, Streight, Tarlton, Traylor, Treat, Trusler, Urmstan, Viehe, Winterbotham and Woollen—34.

Those who voted in the negative were: Senators Benz, Dice, Foster, Garrigus, Hart, Hefron, Menzies, Reiley, Sarnighausen, Taylor, Weir, Wilson and Wood—13.

The bill passed.

The title of the bill was read and ordered by the Senate to stand approved as read.

Mr. Woollen moved to take up the special order for this afternoon, being the fee and salary bill.

Mr. Streight moved that the special order be suspended, and that the specific appropriation bill be taken up, on which motion he demanded the previous question.

Which was seconded by consent.

The question being on the motion to suspend the special order.

The ayes and noes were demanded by Messrs. Streight and Kelli, which being ordered and taken, resulted as follows:

Those who voted in the affirmative were: Senators Briscoe, Cadwallader, Comstock, Davenport, Dice, Garrigus, Grubbs, Harris, Kablo, Kent, Langdon, Mercer, Moore, Olds, Ragan, Shaffer, Shirk, Smith, Streight, Taylor, Treat, Trusler, Wier and Wilson—24.

Those who voted in the negative were: Senators Benz, Burrell, Coffey, Davis, Donham, Foster, Fowler, Hart, Hefron, Kramer, Major, Menzies, Peterson, Poindexter, Reiley, Sarnighausen, Traylor, Urmstan, Viehe, Winterbotham, Wood and Woollen—23.

The motion to suspend was agreed to.

Mr. Comstock offered the following as a substitute for item 21:

And the further sum of \$9,600, or so much thereof as may be necessary, is hereby appropriated for the payment of the interest now due and to become due up to the first day of January, 1881, upon the indebtedness of the State Board of Agriculture, secured by a mortgage upon thirty-six acres of the northwest quarter of section 36, township 16, range 3 east, in Marion county, Indiana, and the Governor of the State of Indiana is hereby authorized to expend this sum of money hereby appropriated for the purpose, as it may become due.

Mr. Woollen offered the following amendment to the substitute:

Amend the substitute of the Senator from Wayne by adding the following: *Provided*, That the State Board of Agriculture agrees to sell and convey to the State of Indiana all the lands and property now held by such Board, for the sum of \$62,000, so that the State may, if she desires, purchase such lands and property at the meeting of the next General Assembly.

Which was accepted by Mr. Comstock.

Mr. Burrell moved that debate cease.

Which was agreed to.

The question being on the adoption of the substitute as amended.

The ayes and noes were demanded by Messrs. Ragan and Hefron, which being ordered and taken, resulted as follows:

Those who voted in the affirmative were: Senators Benz, Briscoe, Burrell, Coffey, Comstock, Davenport, Dice, Davis, Fowler, Garrigus, Hefron, Leeper, Major, Menzies, Moore, Olds, Sarnighausen, Shaffer, Traylor, Viehe, Weir and Woollen—22.

Those who voted in the negative were: Senators Cadwallader, Donham, Foster, Grubbs, Harris, Hart, Kahlo, Kent, Kramer, Langdon, Mercer, Peterson, Poindexter, Ragan, Reiley, Shirk, Smith, Streight, Tarlton, Taylor, Treat, Trusler, Urmstan, Wilson, Winterbotham and Wood—26.

The substitute was rejected.

The question recurring on the adoption of item 21.

The ayes and noes were demanded by Messrs. Foster and Hefron, which being ordered and taken resulted as follows:

Those who voted in the affirmative were: Senators Briscoe, Cadwallader, Dice, Donham, Grubbs, Harris, Hart, Kahlo, Kent, Kramer, Langdon, Peterson, Poindexter, Ragan, Smith, Streight, Tarlton, Taylor, Treat, Trusler, Urmstan, Viehe, Winterbotham, Wood and Woollen—25.

Those who voted in the negative were: Senators Benz, Burrell, Coffey, Comstock, Davenport, Davis, Foster, Fowler, Garrigus, Hefron, Leeper, Major, Menzies, Mercer, Moore, Olds, Reiley, Sarnighausen, Shirk, Taylor, Weir and Wilson—22.

Item 21 was adopted.

Mr. Kahlo offered the following amendment:

Amend item 18 by striking out all of lines 4, 5 and 6, and insert the following: D. J. Hefron, \$20; T. S. Briscoe, \$20; John Benz, \$20; A. H. Shaffer, \$20; B. L. Davenport, \$20; Charles Kahlo, \$20; J. J. Foster, \$20.

Which was agreed to.

Mr. Comstock offered the following amendment.

Amend the report of the committee upon item 7, by striking out lines 13 and 12, and all of line 11, after the word "hundred."

Which was rejected.

On motion of Mr. Burrell, item No. 7 was adopted.

Mr. Kent offered the following amendment:

Item 25. That W. H. Drapier be allowed the same price for five hundred copies of the Brevier Legislative Reports furnished by him to every General Assembly since 1857, for seventeen years.

The question being on the adoption of the amendment.

The ayes and noes were demanded by Messrs. Foster and Burrell, which being ordered and taken, resulted as follows:

Those who voted in the affirmative were: Senators Dice, Donham,

Hefron, Kahlo, Kent, Leeper, Menzies, Reiley, Shaffer, Tarlton, Taylor, Traylor, Wood and Woollen—14.

Those who voted in the negative were: Senators Benz, Briscoe, Burrell, Cadwallader, Coffey, Comstock, Davenport, Davis, Foster, Fowler, Garrigus, Grubbs, Harris, Hart, Kramer, Major, Mercer, Moore, Olds, Peterson, Poindexter, Ragan, Sarnighausen, Shirk, Smith, Streight, Treat, Trusler, Urmstan, Weir and Winterbotham—31.

The amendment was rejected.

Mr. Donham offered the following amendment to the report of the committee:

For the purpose of purchasing seats for the State Normal School at Terre Haute the sum of \$1,000, or so much thereof as may be necessary: *Provided*, That no part of such sum shall be expended only for desks necessary for the accommodation of the school; and, *Provided further*, That no part of such sum shall be drawn from the treasury until an itemized statement of seats purchased shall be furnished the Auditor of State, which statement shall be sworn to by the president of the board of trustees, and also by the person furnishing the seats.

Which was rejected.

Mr. Harris offered the following amendment to the report of the committee:

Item No. —. That there be allowed Messrs. Crane, Breed & Co., of Cincinnati, \$1,310.50 in full of balance due for heating apparatus furnished the State Normal School at Terre Haute, in full of the ten per cent. retained as security for the satisfaction of the work, and in full of all demands. The claimants before receiving the money shall make an affidavit and file the same with the Auditor of State that they are the owners of the claim, and that it is due and wholly unpaid, and the Governor shall certify that the claim is just and should be paid, before the Auditor shall draw his warrant therefor.

The question being on the adoption of the amendment.

The ayes and noes were demanded by Messrs. Winterbotham and Burrell, which being ordered and taken resulted as follows:

Those who voted in the affirmative were: Senators Cadwallader, Davis, Donham, Foster, Harris, Kahlo, Kent, Langdon, Leeper, Moore, Peterson, Ragan, Shaffer, Shirk, Streight, Tarlton, Taylor, Treat, Trusler and Wood—20.

Those who voted in the negative were: Senators Benz, Briscoe, Burrell, Coffey, Comstock, Davenport, Dice, Fowler, Garrigus, Grubbs, Hart, Hefron, Kramer, Major, Menzies, Mercer, Olds, Poindexter, Reiley, Sarnighausen, Smith, Traylor, Urmstan, Viehe, Weir, Wilson, Winterbotham and Woollen—28.

The amendment was rejected.

Mr. Harris offered the following amendment to the report of the committee:

Item 29. There is allowed Messrs. Crane, Breed & Co. \$1,310.50, to be paid when the Governor, Auditor and Secretary of State shall certify that the same is just and should be paid, and they are empowered to hear testimony and administer oaths and send for persons and papers.

Which was agreed to.

Mr. Smith offered the following amendment to the committee's report:

Amend the report of the committee by adding thereto the following, to-wit: That James W. Sansbery be allowed the sum of \$190 expenses incurred in contesting the seat of Marcus C. Smith.

Which was agreed to.

Mr. Burrell offered the following amendment to the committee's report:

Amend the report of the committee by adding thereto the following: That Marcus C. Smith be allowed the sum of \$93 for expenses incurred in the contest of Sansberry vs. Smith.

Which was agreed to.

Mr. Hefron offered the following amendment to the report of the committee:

Strike out of the report of the committee item No. 20.

Which was rejected.

Mr. Dice moved to strike out item 25 of the report of the committee, including the claims for ditching.

The ayes and noes were demanded by Messrs. Dice and Garrigus, which being ordered and taken resulted as follows:

Those who voted in the affirmative were: Senators Davis, Garrigus, Major, Mercer, Olds, Shirk and Wilson—7.

Those who voted in the negative were: Senators Benz, Briscoe, Burrell, Cadwallader, Coffey, Comstock, Davenport, Dice, Donham, Fowler, Grubbs, Harris, Hart, Kahlo, Kent, Kramer, Langdon,

Leeper, Menzies, Moore, Peterson, Poindexter, Ragan, Reiley, Sarnighausen, Shaffer, Smith, Streight, Tarlton, Traylor, Treat, Trusler, Urmstan, Viehe, Weir, Winterbotham, Wood and Woollen—38.

The motion to strike out was rejected.

The following message was received from the House by the Clerk thereof:

MR. PRESIDENT:

I am directed by the House to inform the Senate that the House has concurred in Senate amendments to engrossed House bill No. 592.

Also, that the House has passed engrossed Senate bill No. 308.

Also, engrossed House bill No. 482, entitled "An act prescribing what kind of judgment shall be rendered in civil actions to recover the value of or injury done to trees or saplings; defining the duties of courts in such action and to repeal all laws or parts of laws in conflict herewith, and declaring an emergency.

And the same are herewith transmitted to the Senate.

Mr. Hefron offered the following amendment to the committee report:

Item 26. That there be allowed to Patrick Kirland, for services rendered for the State in ditching swamp lands, \$140.

Which was agreed to.

Mr. Dice moved to strike out item 28 of the committee report:

The yeas and nays were demanded by Messrs. Dice and Winterbotham, which being ordered and taken resulted as follows:

Those who voted in the affirmative were: Senators Briscoe, Coffey, Dice, Foster, Garrigus, Grubbs, Langdon, Mercer, Ragan, Shirk, Smith, Taylor, Treat, Trusler, Weir and Wilson—16.

Those who voted in the negative were: Senators Benz, Burrell, Cadwallader, Comstock, Davenport, Davis, Donham, Fowler, Hart, Hefron, Kahlo, Kent, Kramer, Leeper, Major, Menzies, Moore, Olds, Peterson, Reiley, Sarnighausen, Shaffer, Streight, Tarlton, Taylor, Urmstan, Viehe, Winterbotham, Wood and Woollen—30.

The motion was rejected.

Mr. Comstock moved that when the Senate adjourn it be until 7½ o'clock this evening.

The ayes and noes were demanded by Messrs. Comstock and Winterbotham, which being ordered and taken, resulted as follows:

Those who voted in the affirmative were: Senators Coffey, Comstock, Fowler, Garrigus, Harris, Hart, Kramer, Peterson, Poindexter, Ragan, Reiley, Taylor, Traylor, Trusler and Viehe—15.

Those who voted in the negative were: Senators Benz, Briscoe, Burrell, Cadwallader, Davenport, Davis, Dice, Donham, Foster, Grubbs, Hebron, Kahlo, Kent, Leeper, Mercer, Olds, Sarnighausen, Shirk, Smith, Streight, Tarlton, Treat, Urmstan, Weir, Wilson and Wood—25.

The motion was rejected.

Mr. Taylor offered the following amendment to the report of the committee:

Item—. That there be allowed Martin Smith, \$50; Mathias Goar, \$59; Henry Goar, \$255; C. C. Pell, \$64; Preston Escue, \$60; Martin Kendall, \$46; A. J. Guffin, \$129; James Cravens, \$1,600; for swamp land ditching, to be paid when the Governor, Auditor, and Secretary of State shall certify that the same is just and should be paid, and they are empowered to hear testimony and administer oaths, and send for persons and papers.

The question being on the adoption of the amendment.

The ayes and noes were demanded by Messrs. Fowler and Winterbotham, which being ordered and taken, resulted as follows:

Those who voted in the affirmative were: Senators Comstock, Davis, Fowler, Grubbs, Harris, Hart, Hebron, Kahlo, Kent, Leeper, Mercer, Olds, Peterson, Ragan, Reiley, Shirk, Smith, Streight, Taylor, Treat, Trusler, Urmstan and Wood—23.

Those who voted in the negative were: Senators Benz, Briscoe, Burrell, Davenport, Dice, Donham, Garrigus, Kramer, Sarnighausen, Tarlton, Traylor, Viehe, Winterbotham and Woollen—14.

The amendment was agreed to.

Mr. Kahlo moved that the report of the committee, as amended, be concurred in.

Which was agreed to.

Mr. Streight offered the following amendment:

Amend the third item: "*Provided*, That any sewer that may be required shall be made either of brick or glazed pipe."

Which was agreed to.

Mr. Harris offered the following amendment to the bill:

That there is hereby appropriated \$612 for payment of fifty-sets of statutes of Indiana furnished to the Senate at this session, to be paid to O. H. Hasselman, proprietor, doing business in name of Indianapolis Journal Company.

Which was agreed to.

Mr. Harris offered the following amendment to the bill:

Amend the specific appropriation bill by adding the following:

Sec. —. That Richard A. Connor, State Librarian, be allowed the sum of \$100 for extraordinary services by him performed in removing the state library from the old state house into the new quarters prepared for it. Also, for the removal of the state property to and storing the same in the Marion county court house, as well as for superintending the fitting up of the new quarters for the offices formerly in the old state house.

Which was agreed to.

Mr. Urmstan offered the following amendment:

Item —. That the Governor, Auditor, and Secretary of State be, and they are hereby, directed to settle and adjust the claim of W. H. Drapier against the State of Indiana for Brevier Reports, heretofore printed for the use of the State, and the Auditor is directed to issue his warrant for the payment of whatever sum may be found due.

Which was rejected.

Mr. Kahlo moved that the Senate amendments to the bill and report be engrossed.

Which was agreed to.

Mr. Davis, from the special committee to whom was referred engrossed House Bill No. 486, entitled "An act to divide the State into congressional districts," submitted a report on said bill, recommending its passage with amendments, which report is as follows:

MR. PRESIDENT:

A majority of your committee, to whom was referred engrossed House Bill No. 486, have had the same under consideration and instruct me to report the same back with the following amendments, and when so amended recommend that it do pass.

Strike out after section 2, and substitute in lieu thereof the following:

Sec. 3. The counties of Posey, Gibson, Vanderburgh, Warlick, Pike, Spencer, and Perry, shall constitute the first district.

Sec. 4. The counties of Sullivan, Greene, Knox, Davies, Martin, Lawrence, Orange, and Dubois, shall constitute the second district.

Sec. 5. The counties of Jackson, Jennings, Washington, Scott, Clark, Floyd, Harrison and Crawford shall constitute the third district.

Sec. 6. The counties of Union, Decatur, Franklin, Ripley, Dearborn, Jefferson, Ohio and Switzerland shall constitute the fourth district.

Sec. 7. The counties of Putnam, Hendricks, Morgan, Johnson, Owen, Monroe, Brown and Bartholomew shall constitute the fifth district.

Sec. 8. The counties of Delaware, Randolph, Henry, Wayne, Rush and Fayette shall constitute the sixth district.

Sec. 9. The counties of Marion, Hancock and Shelby shall constitute the seventh district.

Sec. 10. The counties of Warren, Fountain, Montgomery, Vermillion, Parke, Vigo and Clay shall constitute the eighth district.

Sec. 11. The counties of Tippecanoe, Clinton, Tipton, Boone, Hamilton and Madison shall constitute the ninth district.

Sec. 12. The counties of Lake, Porter, Newton, Jasper, Pulaski, Fulton, Cass, Carroll, White and Benton shall constitute the tenth district.

Sec. 13. The counties of Miami, Wabash, Huntington, Wells, Adams, Howard, Grant, Blackford and Jay shall constitute the eleventh district.

Sec. 14. The counties of Lagrange, Steuben, Noble, DeKalb, Whitley and Allen shall constitute the twelfth district.

Sec. 15. The counties of Laporte, St. Joseph, Elkhart, Starke, Marshall and Kosciusko shall constitute the thirteenth district.

Sec. 16. All laws and parts of laws in conflict with the provisions of this act, shall be and the same are hereby repealed.

O. P. DAVIS,
S. E. URMSTON.

Mr. Streight moved to adjourn.

The ayes and noes were demanded by Messrs. Harris, Streight, Langdon, Grubbs and Taylor, which being ordered and taken resulted as follows:

Those who voted in the affirmative were: Senators Cadwallader, Comstock, Davenport, Garrigus, Grubbs, Harris, Kahlo, Langdon,

Mercer, Olds, Poindexter, Ragan, Shaffer, Smith, Streight, Taylor, Treat, Trusler, Weir and Wilson—20.

Those who voted in the negative were: Senators Benz, Burrell, Coffey, Davis, Dice, Donham, Foster, Fowler, Hart, Hebron, Kent, Kramer, Leeper, Major, Menzies, Peterson, Reiley, Sarnighausen, Tarlton, Traylor, Urmstan, Viehe, Winterbotham, Wood and Woollen—26.

The motion was rejected.

Mr. Dice moved to refer the report of the special committee on Engrossed House Bill No. 486 back to the committee.

Mr. Menzies moved to lay the motion of Mr. Dice on the table.

The ayes and noes were demanded by Messrs. Harris and Streight, which being ordered and taken, resulted as follows:

Those who voted in the affirmative were: Senators Benz, Burrell, Coffey, Davis, Donham, Foster, Fowler, Hart, Hebron, Kent, Kramer, Leeper, Major, Menzies, Peterson, Reiley, Sarnighausen, Tarlton, Taylor, Urmstan, Viehe, Winterbotham, Wood and Woollen—25.

Those who voted in the negative were: Senators Cadwallader, Comstock, Davenport, Dice, Garrigus, Grubbs, Harris, Kendall, Langdon, Mercer, Olds, Poindexter, Ragan, Shaffer, Shirk, Smith, Streight, Taylor, Treat, Trusler, Weir and Wilson—22.

The motion was agreed to.

Mr. Burrell moved that the report of the special committee be read, and on that motion demanded the previous question, which was seconded by the Senate.

The main question was ordered.

The question being on the motion to read the report.

It was so ordered.

Mr. Burrell moved that the report of the committee as read be concurred in, and on that motion demanded the previous question.

The question being on seconding the demand for the previous question.

The ayes and noes were demanded by Messrs. Harris and Foster, which being ordered and taken, resulted as follows:

Those who voted in the affirmative were: Senators Benz, Burrell, Coffey, Davis, Donham, Foster, Fowler, Hart, Hebron, Kent, Kramer, Leeper, Major, Menzies, Peterson, Reiley, Sarnighausen, Tarlton, Taylor, Urmstan, Viehe, Winterbotham, Wood and Woollen—25.

hausen, Tarlton, Traylor, Urmstan, Viehe, Wilson, Winterbotham and Wood—25.

Those who voted in the negative were: Senators Cadwallader, Comstock, Davenport, Dice, Garrigus, Grubbs, Harris, Kahlo, Langdon, Mercer, Olds, Poindexter, Ragan, Shaffer, Shirk, Smith, Streight, Taylor, Treat, Trusler, Weir and Wilson—22.

The demand for the previous question was seconded.

The main question was ordered.

Mr. Harris moved to adjourn.

The ayes and noes were demanded by Messrs. Harris, Dice, Langdon, Grubbs and Taylor, which being ordered and taken, resulted as follows:

Those who voted in the affirmative were: Senators Cadwallader, Comstock, Davenport, Dice, Garrigus, Grubbs, Harris, Kahlo, Langdon, Mercer, Olds, Poindexter, Ragan, Shaffer, Shirk, Smith, Streight, Taylor, Treat, Trusler, Weir and Wilson—22.

Those who voted in the negative were: Senators Benz, Briscoe, Burrell, Coffey, Davis, Donham, Foster, Fowler, Hart, Hefron, Kent, Kramer, Major, Menzies, Peterson, Reiley, Sarnighausen, Tarlton, Traylor, Urmstan, Viehe, Winterbotham, Wood and Woollen—25.

The motion was rejected.

Mr. Burrell moved that the report be referred back to the special committee, with instructions to report back to the Senate immediately, and on that motion demanded the previous question.

Which was seconded by the Senate.

The main question was ordered.

Mr. Harris demanded a division of the question.

The question first being on the proposition to refer back to the special committee.

It was agreed to.

The question next being on the proposition to report back immediately.

The ayes and noes were demanded by Messrs. Harris and Dice, which being ordered and taken resulted as follows:

Those who voted in the affirmative were: Senators Benz, Briscoe, Burrell, Coffey, Davis, Donham, Foster, Fowler, Hart, Hefron,

Kent, Kramer, Leeper, Major, Menzies, Peterson, Reiley, Sarnighausen, Tarlton, Traylor, Urmstan, Viehe, Wilson, Winterbotham, Wood and Woollen—26.

Those who voted in the negative were: Senators Cadwallader, Comstock, Davenport, Dice, Garrigus, Grubbs, Harris, Keith, Langdon, Mercer, Olds, Poindexter, Ragan, Shaffer, Shirk, Smith, Streight, Taylor, Treat, Trusler and Weir—21.

The proposition to report back immediately was agreed to.

Mr. Burrell, from the special committee, returned the report on engrossed House Bill No. 486, recommending its passage, with amendments.

Which was read.

Mr. Burrell moved that the report be concurred in, and on that motion demanded the previous question.

Which was seconded by the Senate.

The main question was ordered.

The question being on concurring in the report of the committee.

The ayes and noes were demanded by Messrs. Harris and Foster, which being ordered and taken, resulted as follows:

Those who voted in the affirmative were: Senators Benz, Briscoe, Burrell, Coffey, Davis, Donham, Foster, Fowler, Hart, Hefron, Kent, Kramer, Major, Menzies, Peterson, Reiley, Sarnighausen, Tarlton, Traylor, Urmstan, Viehe, Winterbotham, Wood and Woollen—24.

Those who voted in the negative were: Senators Cadwallader, Comstock, Dice, Garrigus, Harris, Langdon, Mercer, Olds, Poindexter, Ragan, Shaffer, Shirk, Smith, Streight, Taylor, Treat, Trusler and Weir—18.

The report was concurred in.

Mr. Burrell moved that the Senate amendments to the bill be engrossed, and on that motion demanded the previous question.

Which was seconded by the Senate.

Mr. Garrigus demanded a call of the Senate, which being ordered and taken, discovered the following Senators present and answering to their names:

Senators Benz, Briscoe, Burrell, Cadwallader, Coffey, Comstock, Davis, Dice, Donham, Foster, Fowler, Garrigus, Harris, Hart, Hefron, Kent, Kramer, Langdon, Major, Mercer, Olds, Peterson,

Poindexter, Ragan, Reiley, Sarnighausen, Shaffer, Shirk, Smith, Streight, Tarlton, Taylor, Traylor, Treat, Trusler, Urmstan, Viehe, Weir, Wilson, Winterbotham, Wood and Woollen—42.

On motion of Mr. Menzies further proceedings under the call were dispensed with.

The question being on the motion of Mr. Burrell to engross the Senate amendments to the bill.

It was agreed to.

The following message was received from the House by the Clerk thereof:

MR. PRESIDENT:

I am directed by the Speaker of the House to inform the Senate that the House has passed engrossed House bill No. 419, entitled "An act to legalize taxes for 1877 of the incorporation of the town of Elwood, in Madison county, Indiana, and the proceedings of the board of trustees for the year 1878."

Also, Engrossed House Bill No. 675, entitled "An act to amend the fourteenth section of an act entitled an act defining felonies, and prescribing punishment therefor, approved June 10, 1852."

Also, that he has signed House Concurrent Resolution No. 31.

And the same are herewith transmitted to the Senate.

The Senate adjourned.

(Approved.)

ISAAC P. GRAY,
President of the Senate.

WEDNESDAY MORNING.

MARCH 19, 1879.

The Senate met at 9 o'clock, A. M., Lieutenant-Governor Gray in the chair.

The Journal of yesterday was being read when, on motion of Mr. Leeper, the further reading of the same was dispensed with.

Mr. Leeper moved to take up Engrossed Senate Bill No. 253, entitled "An act defining the manner in which certain lands and other property within the limits of a city," etc., may be taxed.

Which was agreed to.

Engrossed Senate Bill No. 253 was read the third time.

The question being, shall the bill pass?

The ayes and noes were ordered and taken, resulting as follows:

Those who voted in the affirmative were: Senators Briscoe, Burrell, Cadwallader, Coffey, Comstock, Davenport, Davis, Durham, Foster, Fowler, Hefron, Kent, Kramer, Langdon, Leeper, Major, Mercer, Olds, Peterson, Poindexter, Ragan, Reiley, Samshausen, Shaffer, Shirk, Smith, Streight, Tarlton, Taylor, Treat, Trusler, Viehe, Wilson, Winterbotham, Wood and Woolf. —38.

No one voting in the negative.

The bill passed.

The title of the bill was read.

Mr. Leeper offered the following amendment to the title:

Amend the title by adding the words "and repealing all conflicting laws."

Which was agreed to.

The title as amended was then adopted.

Mr. Benz, by request, introduced Senate Bill No. 457, entitled "An act to fix the time of holding courts in the second judicial circuit of the State of Indiana, prescribing the length of terms thereof, repealing all laws in conflict therewith, and declaring an emergency."

Which, with a memorial concerning the same, was read a first time and referred to the committee on the organization of courts.

Mr. Briscoe, from the committee on fees and salaries, reported Engrossed House Bill No. 466, entitled "An act authorizing and empowering the boards of county commissioners of the several counties of this State to make appropriations for the relief of citizens of their respective counties in certain cases therein named," etc.

The report of the committee recommending its passage was read and concurred in.

On motion of Mr. Briscoe the bill was read the second time.

Mr. Briscoe moved that the constitutional rule be suspended, the bill read the third time now and put upon its passage.

The question being on the motion to suspend the constitutional rule.

The ayes and noes were ordered and taken, resulting as follows:

Those who voted in the affirmative were: Senators Benz, Briscoe, Burrell, Cadwallader, Coffey, Comstock, Davenport, Davis, Dice, Donham, Foster, Fowler, Garrigus, Grubbs, Harris, Hart, Hefron, Kahlo, Kent, Kramer, Mercer, Moore, Olds, Peterson, Ragan, Reiley, Sarnighausen, Shaffer, Shirk, Smith, Streight, Tarlton, Taylor, Traylor, Treat, Trusler, Viehe, Wilson, Winterbotham and Woollen—40.

No one voting in the negative.

The constitutional rule was suspended.

Engrossed House Bill No. 466 was read the third time.

The question being, shall the bill pass?

The ayes and noes were ordered and taken, resulting as follows:

Those who voted in the affirmative were: Senators Benz, Briscoe, Cadwallader, Coffey, Comstock, Davenport, Davis, Dice, Donham, Foster, Fowler, Garrigus, Grubbs, Hart, Hefron, Kahlo, Moore, Olds, Peterson, Ragan, Reiley, Sarnighausen, Shaffer, Shirk, Smith, Streight, Tarlton, Taylor, Treat, Trusler and Winterbotham—31.

Those who voted in the negative were: Senators Burrell, Harris, Kent, Langdon, Mercer, Traylor, Viehe, Wood and Woollen—9.

The bill passed.

The title of the bill was read and ordered by the Senate to stand approved as read.

Mr. Kramer moved to suspend the regular order of business and take up Engrossed House Bill No. 344, entitled "An act fixing the fees and salaries of certain officers named therein," etc.

The ayes and noes were demanded by Messrs. Benz and Foster, which being ordered and taken, resulted as follows:

Those who voted in the negative were: Senators Coffey, Comstock, Davis, Foster, Fowler, Hart, Hefron, Kramer, Major, Menzies, Peterson, Poindexter, Reiley, Shirk, Smith, Streight, Tarlton, Traylor, Urmstan, Viehe, Weir, Wood and Woollen—23.

Those who voted in the affirmative were: Senators Benz, Burrell, Davenport, Dice, Donham, Garrigus, Grubbs, Harris, Kahlo, Kent, Mercer, Moore, Olds, Ragan, Sarnighausen, Shaffer, Taylor, Treat, Trusler, Wilson and Winterbotham—21.

The motion was agreed to.

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Mr. Hefron introduced the following Senate Concurrent Resolution:

WHEREAS, There are now in the custody of the State Geologist a large number of his reports, extending back over a series of years and

WHEREAS, These reports are not only an encumbrance and an expense to the State in their present condition, but are also subject to decay and destruction as well; and

WHEREAS, Such reports are of value only as they may be placed in the hands of the people of the State; therefore,

Resolved by the Senate (the House of Representatives concurring therein), That the State Librarian is hereby authorized to distribute said reports to public libraries, colleges, schools of learning, and to private individuals throughout the State, or to members of the General Assembly upon call or solicitation; *Provided,* That the State shall not be subject to any expense on account of said distribution of Geological reports.

Which was adopted.

Mr. Kramer moved that the report of the committee on Engrossed House Bill No. 344 be considered by sections.

Which was agreed to.

Section 1 was read and adopted.

Mr. Sarnighausen offered the following amendment to section 1:

Amend section 2, line 1, by striking out "five" and inserting in lieu thereof "six."

Mr. Wilson offered the following substitute for the amendment of the Senator from Allen:

To strike out the word "five" in line 1, of section 2, and insert in lieu thereof the word "four."

Mr. Fowler moved to reject the substitute.

The yeas and nays were demanded by Messrs. Streight and Kahlo, which being ordered and taken, resulted as follows:

Those who voted in the affirmative were: Senators Bent, Briscoe, Burrell, Cadwallader, Comstock, Davenport, Davis, Deham, Fowler, Grubbs, Hart, Kahlo, Kent, Kramer, Langdon, Major, Menzies, Mercer, Peterson, Poindexter, Ragan, Sarnighausen, Shaffer, Shirk, Smith, Tarlton, Taylor, Traylor, Treat, Urquhart, Vieve, Winterbotham, Wood and Woollen—34.

Those who voted in the negative were: Senators Coffey, Dice, Garrigus, Harris, Hefron, Moore, Olds, Reiley, Streight, Trusler, Veir and Wilson—12.

The motion to reject was lost.

The question recurring on the adoption of the amendment of Mr. Sarnighausen.

The ayes and noes were demanded by Messrs. Dice and Kahlo, which being ordered and taken, resulted as follows:

Those who voted in the affirmative were: Senators Benz, Burrell, Cadwallader, Davenport, Donham, Kahlo, Kent, Langdon, Menzies, Sarnighausen, Tarlton and Traylor—12.

Those who voted in the negative were: Senators Briscoe, Coffey, Comstock, Davis, Dice, Fowler, Garrigus, Grubbs, Harris, Hart, Hefron, Kramer, Leeper, Major, Mercer, Moore, Olds, Peterson, Poindexter, Ragan, Reiley, Shaffer, Shirk, Smith, Streight, Taylor, Treat, Trusler, Urmstan, Viehe, Weir, Wilson, Winterbotham, Wood and Woollen—35.

The amendment was rejected.

Mr. Burrell moved to adopt the first item of section 2, fixing the salary of the Governor at \$5,000 a year.

Which was agreed to.

Mr. Dice offered the following amendment to section 2:

Amend section 2 by striking out of line 3 the words "fifteen hundred" and insert "two thousand."

Which was rejected.

On motion of Mr. Burrell, item 2, of section 2, fixing the salary of the Governor's private secretary at \$1,500 a year was adopted.

Mr. Harris offered the following amendment to section 2:

Strike out the words "the salary of the Governor's clerk shall be \$600 per year," in section 2.

Mr. Burrell moved to reject the amendment.

The ayes and noes were demanded by Messrs. Burrell and Kahlo, which being ordered and taken resulted as follows:

Those who voted in the affirmative were: Senators Benz, Burrell, Dice, Donham, Fowler, Kahlo, Kent, Kramer, Menzies, Peterson, Sarnighausen, Smith, Tarlton, Traylor, Urmstan, Winterbotham and Woollen—17.

Those who voted in the negative were: Senators Briscoe, Cadwallader, Coffey, Comstock, Davenport, Davis, Foster, Garrigus, Grubbs, Harris, Hefron, Langdon, Major, Mercer, Moore, Olds, Poindexter, Ragan, Reiley, Shaffer, Shirk, Streight, Treat, Trusler, Viehe, Weir and Wilson—27.

The motion was rejected.

The question recurring on the adoption of the amendment.

The ayes and noes were demanded by Messrs. Burrell and Kahlo, which being ordered and taken resulted as follows:

Those who voted in the affirmative were: Senators Briscoe, Cadwallader, Coffey, Comstock, Davenport, Davis, Foster, Garrigus, Grubbs, Harris, Hart, Hefron, Langdon, Major, Mercer, Moore, Olds, Poindexter, Ragan, Reiley, Shaffer, Shirk, Streight, Treat, Trusler, Viehe, Weir and Wilson—28.

Those who voted in the negative were: Senators Benz, Burrell, Dice, Donham, Fowler, Kahlo, Kent, Kramer, Leeper, Menzies, Peterson, Sarnighausen, Smith, Tarlton, Traylor, Urmstan, Winterbotham, Wood and Woollen—19.

The amendment was adopted.

On motion of Mr. Burrell, section 2 as amended was adopted.

Mr. Shaffer moved that the report as a whole be adopted.

Which was rejected.

Item 1 of section 3 was adopted.

Mr. Winterbotham offered the following amendment:

Amend by striking out "twelve hundred" and insert "fifty hundred."

The question being on the adoption of the amendment.

The ayes and noes were demanded by Messrs. Benz and Winterbotham, which being ordered and taken, resulted as follows:

Those who voted in the affirmative were: Senators Benz, Burrell, Cadwallader, Comstock, Donham, Fowler, Grubbs, Hefron, Kahlo, Kent, Kramer, Langdon, Leeper, Menzies, Olds, Streight, Tarlton, Traylor, Treat, Urmstan, Viehe, Winterbotham, Wood and Woollen—24.

Those who voted in the negative were: Senators Briscoe, Coffey, Davenport, Davis, Dice, Foster, Garrigus, Hart, Major, Mercer,

Moore, Peterson, Poindexter, Ragan, Reiley, Shaffer, Shirk, Smith, Taylor, Trusler, Weir and Wilson—22.

The amendment was adopted.

Items 2 and 3, of section 3, were adopted.

Mr. Viehe moved to strike out line 6, of section 4.

Which was agreed to.

Mr. Menzies offered the following amendment:

Amend line 8, section 4, by striking out figures "\$1.50," and inserting in lieu thereof the figure "\$3."

Mr. Streight offered the following substitute for the amendment:

Strike out the figures "\$1.50," in line 8, section 4, and insert in lieu thereof the figure "\$3;" *Provided*, That fifty per centum of all fees received for such services shall be paid into the State treasury.

Mr. Kent moved to reject the substitute.

The ayes and noes were demanded by Messrs. Streight and Langdon, which being ordered and taken resulted as follows:

Those who voted in the affirmative were: Senators Benz, Briscoe, Burrell, Fowler, Harris, Kahlo, Kent, Leeper, Menzies, Moore, Olds, Reiley, Sarnighausen, Shaffer, Tarlton, Taylor, Traylor, Urmstan, Viehe, Winterbotham and Wood—21.

Those who voted in the negative were: Senators Cadwallader, Coffey, Comstock, Davis, Dice, Donham, Foster, Garrigus, Grubbs, Hart, Hefron, Kramer, Langdon, Major, Mercer, Peterson, Poindexter, Ragan, Shirk, Smith, Streight, Treat, Trusler, Weir, Wilson and Woollen—26.

The motion to reject was lost.

The question recurring on the adoption of the substitute.

The ayes and noes were demanded by Messrs. Langdon and Shirk, which being ordered and taken resulted as follows:

Those who voted in the affirmative were: Senators Benz, Briscoe, Cadwallader, Comstock, Davenport, Davis, Dice, Donham, Foster, Garrigus, Grubbs, Hart, Kahlo, Kramer, Langdon, Leeper, Major, Mercer, Moore, Olds, Peterson, Poindexter, Ragan, Shirk, Smith, Streight, Traylor, Treat, Trusler, Weir, Wilson, Wood and Woollen—33.

Those who voted in the negative were: Senators Burrell, Fowler, Hefron, Kent, Menzies, Reiley, Sarnighausen, Tarlton, Taylor, Urmstan, Viehe and Winterbotham—12.

The substitute was adopted.

On motion by Mr. Shirk, section 4, as amended, was adopted.

Section 5 was adopted.

Mr. Wood offered the following amendment:

Amend by striking out "\$1,500" and insert "\$2,000," of section 6, line 1.

Mr. Harris moved to suspend the order of business and take up the specific appropriation bill.

Mr. Fowler moved to lay the motion of Mr. Harris on the table.

The ayes and noes were demanded by Messrs. Harris and Grubb, which being ordered and taken, resulted as follows:

Those who voted in the affirmative were: Senators Benz, Briscoe, Burrell, Coffey, Davis, Donham, Foster, Fowler, Hart, Hefron, Kent, Kramer, Leeper, Major, Menzies, Peterson, Reiley, Sarnighausen, Tarlton, Traylor, Urmstan, Viehe, Winterbotham, Wood and Woollen—25.

Those who voted in the negative were: Senators Cadwallader, Comstock, Davenport, Dice, Garrigus, Grubbs, Harris, Kahle, Langdon, Mercer, Moore, Olds, Poindexter, Ragan, Shaffer, Shirk, Smith, Straight, Taylor, Treat, Trusler, Weir and Wilson—23.

The motion to lay on the table was agreed to.

The following message was received from the House by the Clerk thereof:

MR. PRESIDENT:

I am directed by the Speaker of the House of Representatives to inform the Senate that he has signed House Concurrent Resolution No. 28; also, Enrolled House Act No. 667, and the same are herewith transmitted to the Senate for the signature of the President thereof.

Also, that the House has passed Engrossed Senate Bill No. 253, entitled "An act defining the manner in which certain lands and other property within the limits of the city or incorporated town may be taxed for corporation purposes," with the following amendment:

Strike out the word "ten" in line 12, page 2, and insert in lieu thereof the word "five."

Also, Engrossed Senate Bill No. 392, entitled "An act legalizing the practice of circuit courts in calling causes for issue and in enter-

ing judgments on the first day of the term, and declaring an emergency."

Also Engrossed House Bill No. 686, entitled "A bill for an act to amend section 3 of an act entitled an act to incorporate the town of Vernon, Jennings county, Indiana, approved January 22, 1851."

Also, Engrossed House Bill No. 188, entitled "A Bill to regulate fire insurance companies and to provide for the canceling of policies of insurance therein named, and terminating certain contracts for insurance, and to prohibit the bringing of suits in any of the courts in the State in certain cases therein named."

Also, Engrossed House Bill No. 668, entitled "An Act to establish a board of pardons and defining certain powers and duties thereof."

Also, Engrossed House Bill No. 683, entitled "An act to provide for the prompt publication of the Acts of the General Assembly, and declaring an emergency."

And the same are herewith transmitted to the Senate for its action thereon.

The Senate adjourned.

AFTERNOON SESSION.

MARCH 19, 1879.

Senate reassembled at 2 o'clock, P. M., Lieutenant-Governor Gray in the chair.

On motion of Mr. Leeper engrossed House amendments to engrossed Senate bill No. 253, entitled "An act defining the manner in which certain lands and other property within the limits of a city, etc., may be taxed," were read and concurred in.

The question being on the amendment of Mr. Wood, pending at the adjournment this morning.

Mr. Hart moved that it be rejected.

The ayes and noes were demanded by Messrs. Wood and Benz, which being ordered and taken resulted as follows:

Those who voted in the affirmative were: Senators Cadwallader, Comstock, Davenport, Foster, Fowler, Grubbs, Harris, Hart,

Hefron, Kramer, Major, Mercer, Olds, Poindexter, Ragan, Reile, Shaffer, Shirk, Smith, Taylor, Traylor, Treat, Trusler, Viehe, Weir, Wilson and Woollen—27.

Those who voted in the negative were: Senators Benz, Briscoe, Burrell, Davis, Dice, Donham, Fowler, Kent, Leeper, Menzies, Peterson, Sarnighausen, Streight, Tarlton, Urmstan, Winterbotham and Wood—17.

The motion was rejected.

The question recurring on the adoption of section 6.

It was adopted.

Mr. Hart offered the following amendment:

Amend section 7 by inserting "\$1,000," instead of "\$1,250."

Mr. Streight offered the following as a substitute for the amendment:

Amend section 7, by striking out the words "twelve hundred and fifty dollars," and insert in lieu thereof "eight hundred dollars."

Mr. Fowler moved to reject the amendment and substitute.

The ayes and noes were demanded by Messrs. Streight and Burrell.

Mr. Harris demanded a division of the question.

The question first being on the proposition to reject the substitute.

The ayes and noes were ordered and taken, resulting as follows:

Those who voted in the affirmative were: Senators Benz, Briscoe, Burrell, Davis, Donham, Fowler, Grubbs, Hefron, Kahlo, Kent, Kramer, Leeper, Menzies, Moore, Peterson, Reiley, Sarnighausen, Shaffer, Smith, Tarlton, Taylor, Urmstan, Viehe, Winterbotham, Wood and Woollen—26.

Those who voted in the negative were: Senators Cadwallader, Coffey, Davenport, Dice, Foster, Garrigus, Harris, Langdon, Major, Mercer, Olds, Poindexter, Ragan, Shirk, Streight, Taylor, Treat, Trusler and Weir—19.

The substitute was rejected.

The question recurring on the proposition to reject the amendment.

The ayes and noes were demanded by Messrs. Streight and Burrell, which being ordered and taken resulted as follows:

Those who voted in the affirmative were: Senators Benz, Burrell, Davis, Fowler, Grubbs, Kahlo, Kent, Kramer, Leeper, Menzies, Moore, Poindexter, Reiley, Sarnighausen, Shaffer, Tarlton, Traynor, Urmstan, Viehe, Winterbotham, Wood and Woollen—22.

Those who voted in the negative were: Senators Briscoe, Cadwallader, Coffey, Comstock, Davenport, Dice, Donham, Foster, Garrigus, Harris, Hart, Hefron, Langdon, Major, Mercer, Olds, Peterson, Ragan, Shirk, Smith, Streight, Taylor, Treat, Trusler, Weir and Wilson—26.

The motion to reject was lost.

The question now being on the adoption of the amendment of Mr. Hart.

The ayes and noes were demanded by Messrs. Weir and Garrigus, which being ordered and taken resulted as follows:

Those who voted in the affirmative were: Senators Briscoe, Cadwallader, Coffey, Comstock, Davenport, Davis, Dice, Donham, Foster, Garrigus, Grubbs, Harris, Hart, Hefron, Kahlo, Major, Mercer, Olds, Poindexter, Ragan, Shirk, Smith, Streight, Taylor, Taylor, Treat, Trusler, Weir and Wilson—29.

Those who voted in the negative were: Senators Benz, Burrell, Fowler, Kent, Kramer, Langdon, Leeper, Menzies, Moore, Peterson, Reiley, Sarnighausen, Shaffer, Tarlton, Urmstan, Viehe, Winterbotham, Wood and Woollen—19

The amendment was adopted.

The following message was received from the House by the Clerk thereof:

MR. PRESIDENT:

I am directed by the House to inform the Senate that the House has passed engrossed House Bill No. 565, entitled "A bill for an act limiting taxation in incorporated towns in this State having less than twenty-five freeholders residing therein."

Also, engrossed Senate Bill No. 216, entitled "An act defining the crime of embezzlement and prescribing the punishment thereof and repealing all laws upon the same subject."

And the same are herewith transmitted to the Senate.

Mr. Langdon offered the following amendment:

Amend section 7 by adding:

Provided, That no fees shall be charged or received by said adjutant for any services in furnishing or giving any honorably dis-

charged soldier a certificate or copy of any papers or record on file in his office.

The question being on the adoption of the amendment.

The ayes and noes were demanded by Messrs. Langdon and Olds, which being ordered and taken, resulted as follows:

Those who voted in the affirmative were: Senators Benz, Burrell, Cadwallader, Comstock, Davenport, Davis, Dice, Donham, Foster, Fowler, Garrigus, Grubbs, Hart, Hefron, Kahlo, Kent, Langdon, Major, Menzies, Mercer, Moore, Olds, Peterson, Poindexter, Ragan, Shaffer, Shirk, Smith, Streight, Taylor, Treat, Trusler, Viehe, Weir, Wilson, Winterbotham, Wood and Woolen—38.

Those who voted in the negative were: Senators Briscoe, Kramer, Leeper, Reiley, Sarnighausen, Tarlton and Traylor—7.

The amendment was adopted.

Section 7 as amended was then adopted.

Mr. Olds offered the following amendment to section 8:

Amend section 8 by striking out the word "three" and insert in lieu thereof the word "one."

Which was rejected.

Section 8 was adopted.

Mr. Shirk offered the following amendment to section 9:

Amend section 9 by striking out the words "three thousand" and inserting the words "twenty-five hundred."

The question being on the adoption of the amendment.

The ayes and noes were demanded by Messrs. Shirk and Foster, which being ordered and taken resulted as follows:

Those who voted in the affirmative were: Senators Dice, Foster, Garrigus, Poindexter, Shirk, Streight, Taylor and Weir—8.

Those who voted in the negative were: Senators Benz, Briscoe, Burrell, Cadwallader, Coffey, Comstock, Davenport, Davis, Donham, Fowler, Grubbs, Harris, Hart, Hefron, Kahlo, Kent, Kramer, Langdon, Leeper, Major, Menzies, Mercer, Moore, Olds, Peterson, Ragan, Reiley, Sarnighausen, Shaffer, Smith, Tarlton, Traylor, Treat, Trusler, Urmstan, Viehe, Wilson, Winterbotham, Wood and Woollen—40.

The amendment was adopted.

Item 1 of section 9 was adopted.

Mr. Olds offered the following amendment to section 9:

Amend section 9 by striking out of line 3 the words "fifteen hundred" and insert in lieu thereof "two thousand."

The question being on the adoption of the amendment.

The ayes and noes were demanded by Messrs. Foster and Burrell, which being ordered and taken resulted as follows:

Those who voted in the affirmative were: Senators Benz, Briscoe, Donham, Fowler, Olds, Sarnighausen and Winterbotham—7.

Those who voted in the negative were: Senators Cadwallader, Coffey, Comstock, Davenport, Davis, Dice, Foster, Garrigus, Grubbs, Harris, Hart, Hefron, Kahlo, Kent, Kramer, Langdon, Leeper, Major, Mercer, Peterson, Poindexter, Ragan, Reiley, Shaffer, Shirk, Smith, Streight, Tarlton, Taylor, Traylor, Treat, Trusler, Urmstan, Weir, Wood and Woollen—36.

The amendment was rejected.

Section 9 as amended was adopted.

Mr. Benz offered the following amendment to section 10:

Strike out the word "six," in line 3 of section 10, and insert the word "nine."

The question being on the adoption of the amendment.

The ayes and noes were demanded by Messrs. Benz and Winterbotham, which being ordered and taken, resulted as follows:

Those who voted in the affirmative were: Senators Benz, Olds, Sarnighausen, Tarlton, Traylor and Winterbotham—6.

Those who voted in the negative were: Senators Briscoe, Burrell, Cadwallader, Coffey, Comstock, Davenport, Davis, Dice, Donham, Foster, Fowler, Garrigus, Harris, Hart, Hefron, Kahlo, Kent, Kramer, Major, Menzies, Mercer, Peterson, Poindexter, Ragan, Reiley, Shaffer, Shirk, Smith, Streight, Taylor, Treat, Trusler, Urmstan, Weir, Wilson and Wood—36.

The amendment was lost.

Mr. Foster offered the following amendment to section 10:

Amend section 10 as follows:

Strike out in first line the words "three thousand" and insert the words "twenty-five hundred."

The question being on the adoption of the amendment.

The ayes and noes were demanded by Messrs. Foster and Dice, which being ordered and taken resulted as follows:

Those who voted in the affirmative were: Senators Dice, Foster, Garrigus, Ragan, Streight, Taylor, Trusler, Weir and Wilson—9.

Those who voted in the negative were: Senators Benz, Burrell, Cadwallader, Comstock, Davenport, Davis, Donham, Fowler, Hart, Hebron, Kahlo, Kent, Langdon, Leeper, Major, Menzies, Mercer, Moore, Olds, Peterson, Ragan, Reiley, Sarnighausen, Shaffer, Shirk, Tarlton, Traylor, Treat, Urmstan, Viehe, Winterbotham and Wood—32.

The amendment was rejected.

Section 10 was adopted.

Mr. Langdon offered the following amendment to section 11:

Amend section 11 by inserting after the word "thousand," in line 2, the words "five hundred."

The question being on the adoption of the amendment.

The ayes and noes were demanded by Senators Foster and Shirk, which being ordered and taken resulted as follows:

Those who voted in the affirmative were: Senators Cadwallader, Foster, Harris, Kahlo, Kent, Langdon, Leeper, Moore, Olds, Peterson, Reiley, Sarnighausen, Streight, Taylor, Treat, Urmstan, Viehe and Wood—18.

Those who voted in the negative were: Senators Benz, Burrell, Coffey, Comstock, Davenport, Davis, Dice, Donham, Foster, Garrigus, Hart, Hebron, Kramer, Major, Poindexter, Ragan, Shaffer, Shirk, Tarlton, Traylor, Trusler, Weir, Woollen and Wilson—24.

The amendment was lost.

Mr. Benz offered the following amendment to section 11:

Strike out the word "nine" in line 4 of section 11 and insert in lieu thereof the word "six."

The question being on the adoption of the amendment.

The ayes and noes were demanded by Messrs. Benz and Foster, which being ordered and taken resulted as follows:

Those who voted in the affirmative were: Senators Benz, Burrell, Dice, Donham, Foster, Garrigus, Hart, Hebron, Kramer, Leeper, Major, Mercer, Moore, Peterson, Ragan, Reiley, Sarnighausen, Streight, Treat, Urmstan, Winterbotham, Wood and Woollen—23.

Those who voted in the negative were: Senators Briscoe, Cadwallader, Coffey, Comstock, Davis, Fowler, Harris, Kahlo, Kent,

Langdon, Mercer, Moore, Poindexter, Ragan, Reiley, Sarnighausen, Treat, Urmstand, Winterbotham and Woollen—20.

The amendment was adopted.

Section 11 as amended was adopted.

Mr. Shirk offered the following amendment:

Amend section 12 by striking out of line 1 the words "one thousand" and insert "six hundred."

Which was rejected.

Section 12 was adopted.

Section 13 was adopted.

Section 14 was adopted.

Mr. Streight offered the following amendment to section 15:

Strike out "fifty cents" and insert "forty cents," as fees for clerk of the supreme court, line 2.

Which was adopted.

Mr. Wilson offered the following amendment to section 15:

Amend section 15 by inserting the word "issue" before the word "docket," in line 9.

Mr. Burrell offered the following as a substitute:

For entering action on all of the dockets used by the clerk ten cents each, not including bar docket.

Which was adopted.

Section 15 as amended was adopted.

Mr. Comstock offered the following amendment to section 16:

Amend section 16 by adding to lines 10 and 38 the following, to-wit: "To be paid out of the county treasury upon the order of the judge of the circuit, superior or criminal court," and by adding to line 66 the following, to-wit: "To be paid out of the county treasury upon the order of the board of county commissioners."

Which was adopted.

Mr. Taylor offered the following amendment to section 16:

Amend by striking out of line 42 "§1," and inserting "§2, and no more."

Mr. Kramer moved to reject the amendment.

The ayes and noes were demanded by Messrs. Benz and Burrell, which being ordered and taken resulted as follows:

Those who voted in the affirmative were: Senators Foster, Hart, Hefron, Kramer, Poindexter, Ragan, Shaffer, Shirk, Smith, Traylor, Weir and Wilson—12.

Those who voted in the negative were: Senators Benz, Bristoe, Burrell, Cadwallader, Coffey, Comstock, Davenport, Davis, Dice, Donham, Fowler, Garrigus, Harris, Kahlo, Kent, Leeper, Major, Mercer, Moore, Olds, Reiley, Sarnighausen, Tarlton, Taylor, Traylor, Treat, Urmstan, Viche, Winterbotham, Wood and Woolen—31.

The motion was rejected.

Mr. Streight offered the following as a substitute for the amendment of Mr. Taylor.

Strike out "\$1," in line 42, and insert 50c.

Which was rejected.

The question recurring on the adoption of the amendment of Mr. Taylor.

It was adopted.

The following message was received from the House by the Clerk thereof:

MR. PRESIDENT:

I am directed by the Speaker of the House to inform the Senate that the House has passed Engrossed House Bill No. 676, entitled "An act to amend section 8 of an act entitled an act supplementary and amendatory of an act entitled an act to provide for a uniform assessment of propert and for the collection and return of taxes thereon, approved December 21, 1872, approved March 8, 1873."

Also, Engrossed Senate Bill No. 303, entitled "An act to amend section 1 of an act entitled an act to enable farmers and citizens of any county in this State to form voluntary associations for the purpose of insuring their property against loss by fire or lightning, and all other matters connected therewith, and enable them to sue and be sued by their corporate name," approved March 14, 1877," with the following amendment: Strike out 2 and insert 1, as the amended section.

Also, Engrossed Senate Bill No. 338, entitled "An act providing for the protection of wild game."

Also, Engrossed House Bill No. 467, entitled "A bill to amend section 8 of an act entitled an act regulating descents and the apportionment of estates, approved March 14, 1852."

Also, that the House has concurred in Senate Concurrent Resolution No. 41.

And the same are herewith transmitted to the Senate.

Mr. Winterbotham offered the following amendment:

Amend line 18, section 16, by adding thereto the words "for each one hundred words thereof, four figures counting as one word; *Provided*, That if the number of words in any entry be less than two hundred words, for such entry 20 cents."

Which was adopted.

Mr. Olds offered the following amendment:

Amend section 16 by striking out the words "clerks shall tax in such civil cause to the losing party as a part of the costs of the cause to be collected as the other costs are and paid into the county treasury, a docket fee of \$1."

The question being on the adoption of the amendment.

The ayes and noes were demanded by Messrs. Olds and Kahlo, which being ordered and taken, resulted as follows:

Those who voted in the affirmative were: Senators Coffey, Dice, Donham, Foster, Fowler, Garrigus, Kent, Major, Mercer, Olds, Ragan, Smith, Tarlton, Traylor, Trusler, Urmstan and Wilson—17.

Those who voted in the negative were: Senators Benz, Briscoe, Burrell, Comstock, Davenport, Davis, Harris, Hart, Hebron, Kahlo, Kramer, Langdon, Leeper, Menzies, Moore, Peterson, Poindexter, Reiley, Sarnighausen, Shaffer, Shirk, Streight, Taylor, Treat, Viehe, Weir, Wood, Woollen and Winterbotham—29.

The amendment was rejected.

Mr. Kent offered the following amendment:

Amend section 16 by striking out "75 cents" in item 52 and inserting in lieu thereof "\$1."

The question being on the adoption of the amendment.

The ayes and noes were demanded by Messrs. Shirk and Kent, which being ordered and taken resulted as follows:

Those who voted in the affirmative were: Senators Benz, Briscoe, Coffey, Davenport, Davis, Dice, Fowler, Hebron, Kahlo, Kent, Langdon, Leeper, Menzies, Mercer, Peterson, Reiley, Sarnighausen, Taylor, Traylor, Treat, Urmstan, Winterbotham and Wood—23.

Those who voted in the negative were: Senators Burrell, Comstock, Donham, Foster, Garrigus, Harris, Hart, Kramer, Major,

Moore, Olds, Poindexter, Ragan, Shirk, Smith, Streight, Tarlton, Trusler, Weir, Wilson and Wood—21.

The amendment was adopted.

Mr. Taylor offered the following amendment:

Amend section 16, line 32, by striking out all after the word "docket" and inserting the following: "And order book, 25 cents."

Mr. Winterbotham offered the following as a substitute:

By striking out lines 31 and 32 in section 16 and inserting in lieu thereof "for entering each satisfaction of record, 5 cents."

Which was adopted.

Mr. Coffey offered the following amendment:

Amend section 16 by striking out in line 23 the figure "8," and insert in lieu thereof "10."

The question being on the adoption of the amendment.

The ayes and noes, were demanded by Messrs. Trusler and Shirk, which being ordered and taken, resulted as follows:

Those who voted in the affirmative were: Senators Benz, Briscoe, Burrell, Coffey, Davis, Dice, Fowler, Kahlo, Kent, Langdon, Leeper, Mercer, Peterson, Reiley, Sarnighausen, Taylor, Traylor, Treat and Urmstan—19.

Those who voted in the negative were: Senators Comstock, Denport, Donham, Garrigus, Harris, Hart, Hefron, Kramer, Major, Menzies, Moore, Poindexter, Ragan, Shaffer, Shirk, Smith, Streight, Tarlton, Trusler, Viehe, Weir, Wilson, Winterbotham, Wood and Woollen—25.

The amendment was lost.

Mr. Comstock offered the following amendment:

Amend section 16 by striking out all of line 94 after the word "courts," all of line 95 preceding the word "and" where it first occurs in said line, and adding after the figures \$1.00, in line 97, the following, to-wit: "to be paid out of the county treasury upon the order of the judge of the proper court."

Which was agreed to.

Mr. Fowler offered the following amendment:

Amend section 16 by adding after the figures \$1.00, in line 97, the following: "Provided, That in all cases where suits are dismissed no docket fee shall be taxed."

Which was agreed to.

Mr. Winterbotham offered the following amendment:

Amend line 74, section 16, by striking out the figure "5" after the word docket, and insert in lieu thereof "15 cents."

Mr. Kent offered the following as a substitute:

Amend section 16, item 1, by striking out "5" and inserting "10 cents."

Which was adopted.

Mr. Langdon offered the following amendment:

Amend section 16 by striking out lines 59 and 60, and insert, 'For recording a transcript of a judgment to become lien on real estate, 10 cents for each one hundred words, four figures counting as one word; for filing said transcript, 10 cents; for docketing the same, 10 cents; and for entering satisfaction thereof, 10 cents.'

Which was adopted.

Mr. Wilson offered the following amendment:

Amend section 16 by adding immediately after the word "court," in line 94, the words "at each term."

Which was adopted.

Mr. Hebron offered the following amendment:

Amend section 16 by striking out the word "bench" and insert "court," in line 72.

Which was adopted.

Mr. Leeper offered the following:

To reconsider the vote by which the amendment to the item lines 40, 41 and 42 was adopted.

Which was rejected.

Mr. Kent offered the following amendment:

Amend section 16 by inserting after the word "such" in line 79 the words "stationery and."

Which was rejected.

Mr. Fowler offered the following amendment:

Amend section 16 by striking out the word "exemption" in line 72.

Which was agreed to.

Mr. Harris offered the following amendment:

Amend section 16 by striking out the word "\$1" in line 77, and insert "\$2."

Which was rejected.

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Section 16 as amended was adopted.

Sections 17 and 18 were adopted.

Mr. Dice offered the following amendment:

Amend section 19 by adding "and for each item so registered shall tax a fee of 10 cents."

Which was rejected.

Section 19 was adopted.

Mr. Benz offered the following amendment:

Amend section 20 by adding in the first line, after "superior," the word "circuit."

Which was adopted.

Mr. Taylor offered the following amendment:

Strike out section 20.

The question being on the adoption of the amendment.

The ayes and noes were demanded by Messrs. Burrell and Benz which being ordered and taken resulted as follows:

Those who voted in the affirmative were: Senators Cadwallader, Comstock, Davenport, Dice, Donham, Foster, Fowler, Garrigue, Hart, Hefron, Kramer, Langdon, Mercer, Olds, Peterson, Poindester, Ragan, Reiley, Shaffer, Shirk, Streight, Tarlton, Traylor, Traylor, Weir, Wood and Woollen—27.

Those who voted in the negative were: Senators Benz, Burrell, Coffey, Kent, Leeper, Menzies, Moore, Sarnighausen, Smith, Traylor, Treat, Urmstan and Winterbotham—14.

The motion to strike out was agreed to.

Mr. Comstock offered the following amendment.

Amend section 21 by striking out lines 46, 47 and 48, and inserting instead thereof the following, to-wit:

For each two years such guardianship is pending in the court the clerk shall receive one dollar when the assets in the hands of the guardian do not exceed one thousand dollars, when such assets exceed that sum; *Provided*, That this fee shall not include sales of real estate and partition suits.

Which was adopted.

Section 21 as amended was adopted.

Mr. Langdon offered the following amendment:

Amend section 22 by inserting after the word "suit," in line 2, the words "his representatives or assigns."

Which was agreed to.

Section 22 as amended was adopted.

Mr. Burrell offered the following amendment:

The clerks shall index all of the order books, judgment dockets, fee books, records of wills, probate records, and all other records in his office, for which he shall be allowed two cents for each entry, to be paid out of the county treasury upon an allowance made by the board of commissioners."

The question being on the adoption of the amendment.

The ayes and noes were demanded by Messrs. Trusler and Shirk, which being ordered and taken, resulted as follows:

Those who voted in the affirmative were: Senators Benz, Briscoe, Burrell, Donham, Kent, Leeper, Olds, Peterson, Reiley, Sarnighausen, Tarlton, Taylor, Treat and Urmstan—14.

Those who voted in the negative were: Senators Cadwallader, Comstock, Dice, Foster, Fowler, Garrigus, Hart, Kramer, Langdon, Mercer, Moore, Poindexter, Ragan, Shirk, Smith, Streight, Traylor, Trusler, Weir, Wilson, Winterbotham and Woollen—22.

The amendment was rejected.

The Senate adjourned.

(Approved.)

ISAAC P. GRAY,
President of the Senate.

THURSDAY MORNING.

MARCH 20, 1879.

The Senate met at 9 o'clock A. M., Lieutenant-Governor Gray in the chair.

The Journal of yesterday was being read, when, on motion of Mr. Streight, the further reading was dispensed with.

Mr. Streight offered the following resolution:

Resolved, That the congressional apportionment bill be referred to a committee of five with instructions to report a bill dividing the State into thirteen congressional districts as nearly equal in population as practicable, six of said districts to be Republican and seven to be Democratic, and in determining the political complexion of each county said committee shall take the votes cast for Secretary of State in the election of 1878.

Mr. Reeve moved to lay the resolution on the table.

The ayes and noes were demanded by Messrs. Burrell and Fowler, which being ordered and taken, resulted as follows:

Those who voted in the affirmative were: Senators Benz, Briscoe, Burrell, Coffey, Davis, Donham, Foster, Fowler, Hart, Hefron, Kent, Kramer, Leeper, Major, Menzies, Peterson, Reeve, Reiley, Sarnighausen, Tarlton, Traylor, Urmstan, Viehe, Winterbotham Wood and Woollen—26.

Those who voted in the negative were: Senators Cadwallader, Comstock, Davenport, Dice, Garrigus, Grubbs, Harris, Kahlo, Langdon, Mercer, Moore, Olds, Poindexter, Ragan, Shaffer, Shirk, Smith, Streight, Taylor, Treat, Trusler, Weir and Wilson—23.

The resolution was laid on the table.

Mr. Burrell moved to suspend the regular order of business and take up engrossed House Bill No. 486, entitled "An act to divide the State of Indiana into congressional districts," and on that motion demanded the previous question.

The question being on seconding the demand for the previous question.

The ayes and noes were demanded by Messrs. Harris and Kahlo, which being ordered and taken, resulted as follows:

Those who voted in the affirmative were: Senators Benz, Briscoe, Burrell, Coffey, Davis, Donham, Foster, Fowler, Hart, Hefron, Kent, Kramer, Leeper, Major, Menzies, Peterson, Poindexter, Reeve, Reiley, Sarnighausen, Tarlton, Traylor, Urmstan, Viehe, Winterbotham, Wood and Woollen—27.

Those who voted in the negative were: Senators Cadwallader, Comstock, Davenport, Dice, Garrigus, Grubbs, Harris, Kahlo, Langdon, Mercer, Moore, Olds, Ragan, Shaffer, Shirk, Smith, Streight, Taylor, Treat, Trusler, Weir and Wilson—22.

The demand for the previous question was seconded.

The main question was ordered.

The question being on the motion to take up engrossed House Bill No. 486, the ayes and noes were demanded by Messrs. Harris and Burrell, which being ordered and taken, resulted as follows:

Those who voted in the affirmative were: Senators Benz, Briscoe, Burrell, Coffey, Davis, Donham, Foster, Fowler, Hart, Hefron, Kent, Kramer, Leeper, Major, Menzies, Peterson, Poindexter, Reeve, Reiley, Sarnighausen, Tarlton, Traylor, Urmstan, Viehe, Winterbotham, Wood and Woollen—27.

Those who voted in the negative were: Senators Cadwallader, Comstock, Davenport, Dice, Garrigus, Grubbs, Harris, Kahlo, Langdon, Mercer, Moore, Olds, Shaffer, Shirk, Smith, Streight, Taylor, Treat, Trusler and Weir—20.

The motion was agreed to.

Engrossed House Bill No. 486 was read the third time.

Mr. Burrell moved that the bill be now put upon its passage, and on that motion demanded the previous question.

Which was taken by consent.

The question being, shall the bill pass?

The ayes and noes were ordered and taken, resulting as follows:

Those who voted in the affirmative were: Senators Benz, Briscoe, Burrell, Coffey, Davis, Donham, Foster, Fowler, Hart, Hefron, Kent, Kramer, Leeper, Major, Menzies, Peterson, Reeve, Reiley, Sarnighausen, Tarlton, Traylor, Urmstan, Viehe, Winterbotham, Wood and Woollen—26.

Those who voted in the negative were: Senators Cadwallader, Comstock, Davenport, Dice, Garrigus, Grubbs, Harris, Kahlo, Langdon, Mercer, Moore, Olds, Poindexter, Ragan, Shaffer, Shirk, Smith, Streight, Taylor, Treat, Trusler, Weir and Wilson—23.

The bill passed.

The title of the bill was read and ordered by the Senate to stand approved as read.

Mr. Benz moved that the Senate proceed with the consideration of Engrossed House Bill No. 344, entitled "An act fixing the fees and salaries of certain officers therein named," etc.

Mr. Kent moved, as a substitute, to take up Senate Bill No. 456, entitled "An act relative to state prisons."

Mr. Harris moved, as substitute for the whole matter, that the specific appropriation bill be taken up and put upon its passage.

Mr. Burrell moved to reject the motion of Mr. Harris.

The ayes and noes were demanded by Messrs. Kahlo and Trusler, which being ordered and taken, resulted as follows:

Those who voted in the affirmative were: Senators Benz, Burrell, Coffey, Davis, Donham, Foster, Fowler, Hart, Hefron, Kent, Kramer, Leeper, Major, Menzies, Peterson, Reeve, Reiley, Sarnighausen, Tarlton, Traylor, Urmstan, Viehe, Wood and Woollen—24.

Those who voted in the negative were: Senators Briscoe, Cadwallader, Comstock, Davenport, Dice, Garrigus, Grubbs, Harris, Kahlo, Langdon, Mercer, Moore, Olds, Poindexter, Ragan, Shaffer, Shirk, Smith, Streight, Taylor, Treat, Trusler, Weir, Wilson and Winterbotham—25.

The motion to reject was lost.

The question recurring on the motion to take up the specific appropriation bill.

The ayes and noes were demanded by Messrs. Traylor and Hefron, which being ordered and taken, resulted as follows:

Those who voted in the affirmative were: Senators Briscoe, Cadwallader, Comstock, Davenport, Garrigus, Grubbs, Harris, Kahlo, Mercer, Moore, Olds, Poindexter, Ragan, Shaffer, Shirk, Smith, Streight, Taylor, Treat, Trusler, Weir, Wilson and Winterbotham—23.

Those who voted in the negative were: Senators Benz, Burrell, Coffey, Davis, Dice, Donham, Foster, Fowler, Hart, Hefron, Kent, Kramer, Langdon, Leeper, Major, Menzies, Peterson, Reeve, Reiley, Sarnighausen, Tarlton, Traylor, Urmstan, Viehe, Wood and Woollen—26.

The motion was rejected.

The question recurring on the motion to take up Senate Bill No. 456, entitled "An act relative to State prisons."

The ayes and noes were demanded by Messrs. Benz and Winterbotham, which being ordered and taken, resulted as follows:

Those who voted in the affirmative were: Senators Burrell, Coffey, Davis, Donham, Foster, Fowler, Hefron, Kent, Kramer, Major, Menzies, Peterson, Reiley, Sarnighausen, Tarlton, Traylor, Urmstan, Viehe, Wood and Woollen—20.

Those who voted in the negative were: Senators Benz, Briscoe, Cadwallader, Comstock, Davenport, Dice, Garrigus, Grubbs, Harris,

Hart, Kahlo, Langdon, Leeper, Mercer, Moore, Olds, Poindexter, Ragan, Reeve, Shaffer, Shirk, Smith, Streight, Taylor, Treat, Trusler, Weir, Wilson and Winterbotham—29.

The motion was rejected.

The question recurring on the motion to proceed with the consideration of Engrossed House Bill No. 344.

It was agreed to.

The following message was received from the House by the Clerk thereof:

MR. PRESIDENT:

I am directed by the Speaker of the House to inform the Senate that the House has passed Engrossed House Bill No. 671, entitled "An act appropriating twenty-five thousand dollars to defray the expenses of the special session of the General Assembly of the State of Indiana for the year 1879."

Also, that the House has adopted House Concurrent Resolution No. 3; entitled "Concurrent resolution instructing our Senators and requesting our Representatives to use their efforts to amend the National Banking law," etc.

Also, Engrossed House Bill No. 286, entitled "An act to amend section 1 of an act entitled an act to amend sections 4 and 6 of an act entitled an act prescribing the powers and duties of coroners," etc.

Also, Engrossed Senate Bill No. 426, entitled "An act to amend section 3 of an act supplemental to an act concerning the organization and perpetuity of voluntary associations," etc.

Also, that the House has adopted House Concurrent Resolution No. 37, in relation to paying Marion county for use of gas, water, heating, etc.

And the same are herewith transmitted to the Senate.

The following message was received from the House by the Clerk thereof:

MR. PRESIDENT:

I am directed by the Speaker of the House to inform the Senate that he has signed enrolled House Acts Nos. 663 and 466, and the same are herewith transmitted to the Senate.

Mr. Shirk moved that the vote by which section 6 of the report of the committee on engrossed House Bill No. 344 was adopted be reconsidered.

The ayes and noes were demanded by Messrs. Burrell and Benz, which being ordered and taken, resulted as follows:

Those who voted in the affirmative were: Senators Cadwallader, Coffey, Comstock, Davenport, Davis, Dice, Foster, Garrigus, Grubbs, Harris, Hart, Kahlo, Langdon, Mercer, Moore, Olds, Poindexter, Ragan, Shaffer, Shirk, Smith, Streight, Taylor, Treat, Trusler, Weir and Wilson—27.

Those who voted in the negative were: Senators Benz, Briscoe, Burrell, Donham, Fowler, Hefron, Kent, Kramer, Leeper, Major, Menzies, Peterson, Reeve, Reiley, Sarnighausen, Tarlton, Traylor, Viehe, Winterbotham, Wood and Woollen—21.

The motion was agreed to.

The following message was received from the House by the Clerk thereof:

MR. PRESIDENT:

I am directed by the Speaker of the House to inform the Senate that the House has concurred in Senate amendments to Engrossed House Bill No. 486.

Mr. Shirk offered the following amendment to section 6 of the committee's report:

Amend section 6 by striking out of line 3 the words "fifteen hundred" and insert "twelve hundred."

The question being on the adoption of the amendment.

The ayes and noes were demanded by Messrs. Shirk and Trusler, which, being ordered and taken, resulted as follows:

Those who voted in the affirmative were: Senators Cadwallader, Davenport, Dice, Foster, Garrigus, Harris, Hart, Kahlo, Mercer, Olds, Poindexter, Ragan, Shaffer, Shirk, Streight, Taylor, Treat, Trusler, Weir and Wilson—20.

Those who voted in the negative were: Senators Benz, Briscoe, Burrell, Davis, Donham, Fowler, Grubbs, Hefron, Kent, Kramer, Menzies, Moore, Peterson, Reeve, Reiley, Sarnighausen, Tarlton, Traylor, Urmstan, Wood, Woollen and Winterbotham—22.

The amendment was rejected.

Mr. Grubbs, from the joint committee on enrolled bills, submitted the following report:

MR. PRESIDENT :

Your joint committee on enrolled bills report that they have examined enrolled Senate Bill No. 216 and enrolled Concurrent Resolution No. 41, and find the same to be correctly enrolled.

Mr. Shirk offered the following amendment to section 6:

Amend section 6 by striking out of line 5 the words "fifteen hundred" and insert "twelve hundred."

The question being on the adoption of the amendment.

The ayes and noes were demanded by Messrs. Shirk and Ragan, which being ordered and taken resulted as follows:

Those who voted in the affirmative were: Senators Cadwallader, Davenport, Dice, Harris, Hart, Hefron, Kahlo, Langdon, Mercer, Moore, Olds, Poindexter, Ragan, Reiley, Shaffer, Shirk, Smith, Streight, Treat, Trusler and Weir—21.

Those who voted in the negative were: Senators Benz, Briscoe, Burrell, Davis, Donham, Fowler, Grubbs, Kent, Leeper, Menzies, Peterson, Reeve, Sarnighausen, Tarlton, Traylor, Urmstan, Winterbotham, Wood and Woollen—19.

The amendment was agreed to.

Section 6 as amended was adopted.

Mr. Hefron offered the following:

To reconsider the vote by which section 16 was adopted.

Which was agreed to.

Mr. Hefron moved to reconsider the vote by which the amendment to line 18, section 16, of the committee report was adopted.

Which was agreed to.

Mr. Kent offered the following substitute for the amendment:

Amend section 16, after the words "ten cents," in line 1, by inserting thereafter the words "and for more than 100 words at the rate of ten cents per 100 words: *Provided*, That when there is but one entry in a case upon default forty cents, combining all the proceedings of the same day as one entry: *Provided*, That if such proceedings exceed 100 words the clerk may charge ten cents per 100 words or fraction thereof."

The following message was received from the House by the Clerk thereof:

MR. PRESIDENT:

I am directed by the Speaker of the House to inform the Senate that he has signed Enrolled Senate Act No. 216: also, Senate Concurrent Resolution No. 41.

Also, that the House has passed Engrossed House Bill No. 469, entitled "An act to prohibit the sale or transfer of county orders and prescribing penalties for violation thereof."

Also, that the House has passed Engrossed Senate Bill No. 105, entitled "An act to authorize cities and towns to construct, maintain and operate waterworks," etc., with certain amendments thereto.

And the same are herewith transmitted to the Senate.

The following message was received from the Governor:

Gentlemen of the Senate:

I have received, approved and signed Senate Bills numbered and entitled as follows:

No. 444. Entitled "An act to provide for the organization and support of an asylum for feeble-minded children," etc., and declaring an emergency, approved March 15, 1879.

No. 445. Entitled "An act touching foreign corporations, and providing that certain acts thereof shall work forfeitures," approved March 15, 1879.

No. 446. Entitled "An act defining libel, to prevent the publication thereof, and providing punishment therefor," approved March 15, 1879.

No. 451. Entitled "An act to legalize the acts of the common council and of the mayor of the town of Huntington, Huntington county, Indiana, etc.," approved March 15, 1879.

And have caused said acts to be deposited in the office of the Secretary of State.

Senate Bill No. 9, entitled "An act to promote the science of medicine and surgery," etc., was presented to me on March 12, 1879, and was deposited in the office of the Secretary of State on Monday, March 17, 1879, as an act by lapse of time without my signature.

I have also received, approved and signed Senate Bills numbered and entitled as follows:

No. 125. Entitled "An act providing for the punishment of persons in the possession of stolen personal property," etc., approved March 18, 1879.

No. 176. Entitled "An act to legalize the official acts of the

board of trustees of the town of Jasper, Dubois county, Indiana," approved March 18, 1879.

No. 447. Entitled "An act to amend sections 1, 2 and 20 of an act entitled an act to provide for the election and appointment of supervisors of highways," approved March 18, 1879.

No. 448. Entitled "An act authorizing the surrender of city charters or municipal organizations of any city whose population shall be less than seven thousand inhabitants, etc.," approved March 18, 1879.

No. 449. Entitled "An act to exempt the wages of laborers from garnishment and proceedings supplementary to execution in certain cases," approved March 18, 1879.

No. 450. Entitled "An act defining the time for holding general elections," approved March 18, 1879.

No. 452. Entitled "An act to amend section 3 and repeal section 4 of an act entitled an act for the relief of the Lye Creek Draining Association, approved March 10, 1873," approved March 18, 1879.

No. 453. Entitled "An act in relation to the use of human bodies for the purpose of dissection, etc.," approved March 18, 1879.

No. 454. Entitled "An act to repeal an act to amend the first and thirteenth sections of an act to establish superior courts," etc., approved March 18, 1879.

No. 325. Entitled "An act to amend the 13th section of an act entitled an act granting the citizens of the town of Evansville, in the county of Vanderburg, a city charter," approved March 19, 1879.

And have caused said acts to be deposited in the office of the Secretary of State.

JAMES D. WILLIAMS.

Governor's Office, March 19, 1879.

The following message was received from the House by the Clerk thereof:

MR. PRESIDENT:

I am directed by the Speaker of the House to inform the Senate that he has signed House Enrolled Act No. 486.

And the same is herewith transmitted to the Senate for the signature of the President thereof.

The Senate adjourned.

AFTERNOON SESSION.

MARCH 20, 1879.

Senate reassembled at 2 o'clock P. M.

On motion of Mr. Harris Senator Menzies took the chair.

On motion of Mr. Leeper, engrossed House amendments to engrossed Senate Bill No. 303 were taken up and concurred in.

Mr. Winterbotham moved to take up House Concurrent Resolution No. 30, relating to the expenses of the House committee on education.

Which was agreed to.

House Concurrent Resolution No. 30 was read and concurred in.

Mr. Foster moved to take up House amendments to Engrossed Senate Bill No. 103.

Mr. Langdon moved to lay the motion of Mr. Foster on the table.

Which was agreed to.

Mr. Hefron moved to take up Engrossed House Bill No. 671.

Mr. Shirk moved to lay the motion of Mr. Hefron on the table.

Which was agreed to.

The Senate resumed consideration of Engrossed House Bill No. 344, on the subject of fees and salaries.

The question being on the adoption of the substitute offered by Mr. Kent, which was pending at the adjournment this morning.

The ayes and noes were demanded by Messrs. Shirk and Trusler, which, being ordered and taken, resulted as follows:

Those who voted in the affirmative were: Senators Benz, Briscoe, Burrell, Coffey, Davis, Donham, Fowler, Grubbs, Hefron, Kahlo, Kent, Menzies, Moore, Peterson, Reiley, Sarnighausen, Tarlton, Traylor, Urmstan, Viehe, Winterbotham and Wood—22.

Those who voted in the negative were: Senators Cadwallader, Comstock, Davenport, Dice, Foster, Hart, Kramer, Langdon,

Leeper, Mercer, Olds, Poindexter, Ragan, Reeve, Shaffer, Shirk, Smith, Streight, Taylor, Treat, Trusler, Weir, Wilson and Woollen—24.

The substitute was rejected.

The following message was received from the House by the Clerk thereof:

MR. PRESIDENT:

I am directed by the Speaker of the House to inform the Senate that the House has passed Engrossed House Bill No. 105, entitled "An act entitled an act to regulate the practice of dentistry in the State of Indiana."

Also, that the House has adopted House Concurrent Resolution No. 38.

And the same are herewith transmitted to the Senate for its action thereon.

Mr. Reeve offered the following as a substitute for the amendment of Mr. Kent and the committee report:

Add to line 18, as substitute for whole subject matter, "where the entries exceed 100 words, ten cents per 100 words for all over 100 words."

Which was agreed to.

Section 16 as amended was adopted.

Mr. Coffey, from the committee on enrolled bills, submitted the following report:

MR. PRESIDENT:

Your joint committee on enrolled bills have examined enrolled House bill No. 486 and find the same to be correctly enrolled.

Mr. Wood moved to reconsider the vote by which section 20 was stricken out.

Mr. Shirk moved to lay the motion on the table.

The ayes and noes were demanded by Messrs. Shirk and Trusler, which being ordered and taken, resulted as follows:

Those who voted in the affirmative were: Senators Cadwallader, Comstock, Davenport, Dice, Langdon, Mercer, Moore, Olds, Ragan, Reiley, Shaffer, Shirk, Smith, Taylor, Trusler, Weir, Wilson and Woollen—18.

Those who voted in the negative were: Senators Benz, Briscoe, Burrell, Coffey, Donham, Foster, Fowler, Grubbs, Harris, Hefron,

Kent, Kramer, Leeper, Menzies, Peterson, Reeve, Sarnighausen, Tarlton, Traylor, Treat, Urmstan, Winterbotham and Wood—16.

The motion to lay on the table was rejected.

The question recurring on the motion to reconsider.

The ayes and noes were demanded by Messrs. Shirk and Kramer, which being ordered and taken resulted as follows :

Those who voted in the affirmative were: Senators Benz, Burrell, Coffey, Foster, Grubbs, Kahlo, Kent, Leeper, Menzies, Reeve, Sarnighausen, Tarlton, Traylor, Urmstan, Viche and Winterbotham—16.

Those who voted in the negative were: Senators Briscoe, Cadwallader, Comstock, Davenport, Fowler, Garrigus, Harris, Heffron, Kramer, Langdon, Mercer, Moore, Olds, Peterson, Poindexter, Ragan, Reiley, Shaffer, Shirk, Smith, Streight, Taylor, Trusler, Weir, Woollen and Wilson—28.

The motion to reconsider was rejected.

Section 23 of the committee report was adopted.

Mr. Burrell offered the following amendment to section 24:

Amend section 24 by striking out lines 28, 29 and 30 of section."

Mr. Kramer offered the following as a substitute for the amendment:

Amend section 24 by striking out, in lines 28 and 29, "assessment lists and appraisers' returns."

Which was rejected.

Mr. Taylor offered the following substitute for the amendment: Mr. Burrell:

To substitute section 24 by striking out all after the word "and" in line 26.

The question being on the adoption of the substitute.

The ayes and noes were demanded by Messrs. Shirk and Ragan, which being ordered and taken, resulted as follows :

Those who voted in the affirmative were: Senators Cadwallader, Coffey, Comstock, Davenport, Davis, Dice, Foster, Garrigus, Grubbs, Hart, Kahlo, Kramer, Langdon, Olds, Poindexter, Ragan, Reeve, Shaffer, Shirk, Streight, Taylor, Urmstan and Weir—23.

Those who voted in the negative were: Senators Benz, Briscoe, Burrell, Douham, Fowler, Kent, Leeper, Major, Menzies, Mercer,

loore, Peterson, Reiley, Sarnighausen, Smith, Tarlton, Traylor, reat, Viehe, Wood, Woollen, Wilson, Winterbotham and Mr. resident—24.

The substitute was rejected.

The question recurring on Mr. Burrel's amendment.

It was adopted.

Section 24 as amended was adopted.

Mr. Reeve offered the following amendment to section 25:

Make lines 4 and 5 read as follows after the word "ditches:"
'but the auditor shall not be paid any fees for services in such case where the county is the losing party, and the costs are taxed against the county in favor of the successful party.'

Which was agreed to.

Mr. Shirk offered the following amendment to section 25:

Amend section 25 by adding after the word "one" in line 6, the words "half of one."

Mr. Reeve moved to reject the amendment.

The ayes and noes were demanded by Messrs. Foster and Shirk, which being ordered and taken, resulted as follows:

Those who voted in the affirmative were: Senators Benz, Briscoe, Burrell, Comstock, Davenport, Davis, Donham, Foster, Fowler, Grubbs, Hebron, Kent, Leeper, Major, Menzies, Reeve, Reiley, Sarnighausen, Streight, Traylor, Viehe, Wilson, Winterbotham, Wood and Woollen—25.

Those who voted in the negative were: Senators Cadwallader, Coffey, Dice, Foster, Garrigus, Harris, Hart, Kahlo, Kramer, Langdon, Mercer, Moore, Olds, Peterson, Poindexter, Ragan, Shaffer, Shirk, Smith, Tarlton, Treat, Trusler and Weir—23.

The motion was agreed to.

The following message was received from the House by the Clerk thereof:

MR. PRESIDENT:

I am directed by the Speaker of the House to inform the Senate that the House has passed Engrossed House Bill No. 689, entitled "An act to amend section 74 of an act entitled an act to divide the State into circuits for judicial purposes, fixing the time of holding courts therein," etc.

Also, Engrossed House Bill No. 436, entitled "An act to amend an act for the organization of county boards, and prescribing some of their powers and duties, approved June 17, 1852, and to fix a penalty and to provide for the collection of money received by county commissioners without authority of law, and declaring a emergency."

Also, Engrossed House Bill No. 672, entitled an act legalizing the official acts of the board of trustees of the incorporated town of Merom, Sullivan county, Indiana, in the levy and assessment of taxes therein, and all official acts in connection therewith."

Also, Engrossed House Bill No. 587, entitled "A bill to repeal an act approved March 3, 1877, entitled an act to amend section 1 of an act entitled an act for the incorporation and continuance of building loan fund and saving associations, and repealing the law on the subject," etc.

Also, Engrossed House Bill No. 568, entitled "A bill for an act supplemental to an act providing for a general system of common schools in all cities of thirty thousand or more inhabitants," etc.

Also, engrossed Senate bill No. 313, entitled "An act to legalize sheriffs', administrators', guardians', and commissioners' sales of real estate," etc.

And the same are herewith transmitted to the Senate.

Mr. Donham offered the following amendment to section 25:

Amend section 25 by striking out in lines 3 and 4, the word "highways."

Which was rejected.

Section 25 as amended was adopted.

Mr. Reeve offered the following amendment to section 26:

Strike out from and including the word "shall," in line 4, all that follows in section 26.

Which was rejected.

Mr. Kent offered the following amendment to section 26:

Amend section 26 by striking out all to and including the word "and," in line 4 of said section 26.

Mr. Reeve offered the following as a substitute for the amendment and section:

"Auditors shall furnish all blanks and stationery for affidavits or other documents for parties in which he receives a specific fee for the service rendered in using such blank or stationery: *Provided,*

That the county shall furnish all books, stationery and blanks required in doing the public business pertaining to the auditor's office."

Which was adopted.

Section 26 as amended was then adopted.

Mr. Foster moved to suspend the order of business and take up Senate Bill No. 103, entitled "An act to authorize cities to contract, maintain and operate water-works," etc., with the House amendments thereto.

Mr. Shirk moved to lay the motion on the table.

The ayes and noes were demanded by Messrs. Foster and Shirk, which being ordered and taken, resulted as follows:

Those who voted in the affirmative were: Senators Cadwallader, Comstock, Davenport, Garrigus, Grubbs, Hart, Kramer, Langdon, Major, Olds, Poindexter, Ragan, Reiley, Shirk, Streight, Taylor, Trusler, Wilson and Woollen—19.

Those who voted in the negative were: Senators Benz, Briscoe, Burrell, Davis, Donham, Foster, Fowler, Hefron, Kent, Langdon, Menzies, Mercer, Reeve, Sarnighausen, Shaffer, Tarlton, Traylor, Treat, Urnstan, Viehe, Weir, Winterbotham and Wood—23.

The motion was rejected.

The question recurring on the motion of Mr. Foster.

The ayes and noes were demanded by Messrs. Shirk and Ragan, which being ordered and taken, resulted as follows:

Those who voted in the affirmative were: Senators Benz, Briscoe, Burrell, Davis, Donham, Foster, Fowler, Hefron, Kent, Leeper, Mercer, Moore, Peterson, Reiley, Sarnighausen, Smith, Tarlton, Traylor, Treat, Urnstan, Viehe, Weir, Winterbotham and Wood—24.

Those who voted in the negative were: Senators Cadwallader, Comstock, Davenport, Dice, Grubbs, Hart, Langdon, Major, Olds, Ragan, Shirk, Streight, Taylor, Trusler, Wilson and Woollen—16.

The motion was agreed to.

Engrossed House amendments to Engrossed Senate Bill No. 103, were taken up and read.

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Mr. Foster offered the following amendments to the House amendments:

Amend section 21 as follows:

Provided, If any person owning a water power and mill property within said limit in the use of which the stream is polluted, such property or business whose use be condemned or disturbed until the damages consequent thereon are tendered by the city, and in estimating such damages there shall be three appraisers appointed, one by the person injured, one by the trustees of the water works, and these two shall choose a third, who shall take an oath, view the premises and hear testimony and make a finding in writing of the sum of damages, if any, and file the same with the city clerk.

Which was agreed to.

The House amendments as amended were then adopted.

Mr. Benz moved to take up Engrossed House Bill No. 401, entitled "An act to legalize the record of certain plats of lots annexed to the city of New Albany, Floyd county, Indiana, and the proceedings of the common council of said city in relation thereto," etc.

Mr. Shirk moved to lay the motion on the table.

Which was rejected.

The question recurring on the motion to take up Engrossed House Bill No. 401.

It was agreed to, and Engrossed House Bill No. 401 was taken up and read the first time.

Mr. Benz moved that the constitutional rule be suspended, the bill read the second time, considered engrossed, read the third time and put upon its passage.

The question being on the suspension of the constitutional rule. The ayes and noes were ordered and taken, resulting as follows:

Those who voted in the affirmative were: Senators Benz, Briscoe, Burrell, Cadwallader, Coffey, Comstock, Davenport, Davis, Die, Donham, Foster, Fowler, Garrigus, Grubbs, Harris, Hart, Heron, Kent, Kramer, Langdon, Leeper, Major, Mercer, Moore, Peterson, Poindexter, Ragan, Reiley, Sarnighausen, Shaffer, Shirk, Streight, Tarlton, Taylor, Traylor, Trusler, Urmistan, Viehe, Winterbotham, Wood and Woollen—41.

Those who voted in the negative were: Senators Menzies, Olds, Smith and Wilson—4.

The motion was agreed to.

Engrossed House Bill No. 401 was read the second and third times.

The question being, shall the bill pass?

The ayes and noes were ordered and taken, resulting as follows:

Those who voted in the affirmative were: Senators Benz, Briscoe, Burrell, Cadwallader, Coffey, Comstock, Davenport, Dice, Donham, Foster, Fowler, Garrigus, Grubbs, Harris, Hart, Hefron, Kramer, Leeper, Major, Moore, Olds, Peterson, Poindexter, Ragan, Reiley, Sarnighausen, Shaffer, Shirk, Smith, Streight, Taylor, Traylor, Treat, Trusler, Urmstan, Viehe, Wilson, Winterbotham, Weir, Wood and Woollen—41.

Senator Menzies voting in the negative.

The bill passed.

The title of the bill was read and ordered by the Senate to stand approved as read.

Mr. Viehe moved to take up Engrossed House Bill No. 672, entitled "An act to legalize the official acts of the board of trustees of the town of Merom, Sullivan county, Indiana," etc.

Which was agreed to.

Engrossed House Bill No. 672 was read the first time.

Mr. Viehe moved that the constitutional rule be suspended, the bill read the second time, considered engrossed, read the third time and put upon its passage.

The question being on the motion to suspend the constitutional rule.

The ayes and noes being ordered and taken resulted as follows:

Those who voted in the affirmative were: Senators Benz, Briscoe, Burrell, Cadwallader, Comstock, Davenport, Davis, Dice, Donham, Foster, Fowler, Garrigus, Grubbs, Harris, Hart, Kent, Langdon, Leeper, Major, Menzies, Mercer, Moore, Olds, Peterson, Poindexter, Reagan, Sarnighausen, Shaffer, Shirk, Smith, Streight, Tarlton, Traylor, Trusler, Urmstan, Viehe, Wood, Woollen and Wilson—39.

No one voting in the negative.

The constitutional rule was suspended.

Engrossed House Bill No. 672 was read the second time by title only and the third time by sections.

The question being, shall the bill pass?

The ayes and noes were ordered and taken, resulting as follows:

Those who voted in the affirmative were: Senators Benz, Briscoe, Burrell, Cadwallader, Coffey, Comstock, Davenport, Davis, Dice, Foster, Garrigus, Grubbs, Harris, Hart, Hefron, Kent, Kramer, Leeper, Major, Mercer, Moore, Olds, Peterson, Poindexter, Reiley, Sarnighausen, Shaffer, Shirk, Smith, Streight, Tarlton, Taylor, Treat, Trusler, Urnstan, Viehe, Weir, Wilson, Wood, Woollen and Winterbotham—41.

No one voting in the negative.

The bill passed.

The title of the bill was read and ordered by the Senate to stand approved as read.

On motion of Mr. Mercer, engrossed House bill No. 689, entitled "An act to amend section 74 of an act to divide the State into judicial circuits," etc.

Read the first time.

Mr. Mercer moved that the constitutional rule be suspended, the bill read the second time, considered engrossed, read the third time and put upon its passage.

The question being on the motion to suspend the constitutional rule.

The ayes and noes were ordered and taken, resulting as follows:

Those who voted in the affirmative were: Senators Benz, Briscoe, Burrell, Cadwallader, Comstock, Davenport, Dice, Donham, Foster, Fowler, Garrigus, Grubbs, Harris, Hart, Hefron, Kent, Kramer, Langdon, Leeper, Major, Menzies, Mercer, Moore, Olds, Peterson, Poindexter, Reiley, Sarnighausen, Shaffer, Shirk, Smith, Streight, Tarlton, Taylor, Treat, Trusler, Urnstan, Viehe, Weir, Wilson, Winterbotham and Wood—42.

No one voting in the negative.

The constitutional rule was suspended.

Engrossed House Bill No. 689 was read the second time by title only and the third time by sections.

The question being, shall the bill pass?

The ayes and noes were ordered and taken, resulting as follows:

Those who voted in the affirmative were: Senators Benz, Cadwallader, Coffey, Comstock, Davenport, Dice, Foster, Fowler, Garrigus, Grubbs, Harris, Hefron, Kent, Kramer, Langdon, Major, Menzies, Mercer, Olds, Peterson, Poindexter, Reeve, Reily, Sar-

nighausen, Shaffer, Shirk, Streight, Taylor, Treat, Trusler, Weir, Wilson, Winterbotham and Wood—33.

Those who voted in the negative were: Senators Briscoe, Burrell, Tarlton, Urmstan and Viehe—5.

The bill passed.

The title of the bill was read and ordered by the Senate to stand approved as read.

On motion of Mr. Comstock engrossed Senate Bill No. 429, entitled "An act to legalize the election held in the year 1878 in the town of Washington," etc., was taken up and read the third time.

The question being, shall the bill pass?

The ayes and noes were ordered and taken, resulting as follows:

Those who voted in the affirmative were: Senators Benz, Briscoe, Burrell, Cadwallader, Coffey, Comstock, Foster, Fowler, Garigus, Harris, Kent, Kramer, Langdon, Leeper, Major, Menzies, Mercer, Olds, Peterson, Poindexter, Sarnighausen, Shirk, Smith, Tarlton, Taylor, Treat, Trusler, Urmstan, Viehe, Weir, Wilson, Winterbotham and Wood—33.

Senator Ragan voting in the negative.

The bill passed.

The title of the bill was read and ordered by the Senate to stand approved as read.

Mr. Burrell, from the committee on the judiciary, reported House Bill No. 560, entitled "An act for the relief of John J. Justice and others," with the report of the committee recommending its passage.

Which was placed on file without reading.

The Senate adjourned.

(Approved.)

ISAAC P. GRAY,
President of the Senate.

FRIDAY MORNING.

MARCH 21, 1879.

The Senate met at 9 o'clock A. M. Lieutenant-Governor Gray in the chair.

The Journal of yesterday was being read, when on motion of Mr. Leeper, the further reading of the same was dispensed with.

Mr. Reeve offered the following resolution:

WHEREAS, Repeated effort has demonstrated that an equitable and practicable fee and salary bill can not be enacted into a law under the present constitution, and can only be done by special enactments relating to different localities; and,

WHEREAS, The proposed constitutional amendments now submitted to the electors of this State will, if adopted, admit of such legislation, and the power to permit of practical legislation on this subject is in their hands; and,

WHEREAS, It is evident that this body can not agree upon a fee and salary law that will act fairly and equitably to the people and the officers throughout the State because of difference of judgment as to what can and ought to be done; and,

WHEREAS, Any change in the law now is likely to be followed by entire change two years hence, in view of the probable adoption of said constitutional amendments as to fees and salaries, under which confusion will follow likely to create more evils than any present change will cure; therefore,

Resolved, That the further consideration of House Bill No. 344, now pending, and all other consideration of the subject of fees and salaries, be indefinitely postponed.

Mr. Shirk moved to lay the resolution on the table.

The ayes and noes were demanded by Messrs. Reeve and Viehe, which being ordered and taken, resulted as follows:

Those who voted in the affirmative were: Senators Benz, Briscoe, Cadwallader, Comstock, Davenport, Davis, Foster, Fowler, Grubbs, Harris, Hart, Hefron, Kramer, Leeper, Major, Mercer, Moore, Olds, Poindexter, Ragan, Reiley, Shaffer, Shirk, Smith, Streight, Tarlton, Taylor, Traylor, Treat, Trusler, Viehe, Weir, Wilson, Winterbotham, Wood and Woollen—36.

Those who voted in the negative were: Senators Burrell, Coffey, Donham, Menzies, Peterson, Reeve, Sarnighausen and Urmstan—8.

The motion to lay on the table was agreed to.

Mr. Traylor moved to take up engrossed House Bill No. 168, entitled "An act to authorize cities and towns to issue bonds for the purpose of funding their indebtedness."

Mr. Hart moved to amend the motion by taking up the fee and salary bill.

The question being on the motion of Mr. Hart.

The ayes and noes were demanded by Messrs. Wood and Trusler, which being ordered and taken, resulted as follows:

Those who voted in the affirmative were: Senators Briscoe, Burrell, Cadwallader, Comstock, Davis, Donham, Fowler, Garrigus, Grubbs, Harris, Hart, Hebron, Kramer, Leeper, Mercer, Moore, Olds, Poindexter, Ragan, Reiley, Shirk, Smith, Streight, Tarlton, Taylor, Treat, Trusler, Urmstan, Viehe, Weir, Wilson, Wood and Woollen—33.

Those who voted in the negative were: Senators Benz, Coffey, Davenport, Kent, Menzies, Peterson, Reeve, Sarnighausen, Shaffer, Traylor and Winterbotham—11.

The motion was agreed to, and the fee and salary bill was taken up.

Mr. Coffey, from the joint committee on enrolled bills, reported that they had examined enrolled Senate bills Nos. 253, 303, 308, 313, 338 and 392, and find them to be correctly enrolled.

Mr. Woollen moved to reconsider the vote by which section 24 of the committee's report was adopted.

The ayes and noes were demanded by Messrs. Taylor and Garrigus, which being ordered and taken resulted as follows:

Those who voted in the affirmative were: Senators Cadwallader, Coffey, Comstock, Davenport, Davis, Foster, Garrigus, Grubbs, Harris, Hart, Kramer, Langdon, Menzies, Mercer, Moore, Olds, Poindexter, Ragan, Shirk, Smith, Taylor, Traylor, Treat, Trusler, Viehe, Weir, Wilson and Woollen—30.

Those who voted in the negative were: Senators Benz, Briscoe, Burrell, Fowler, Hebron, Kent, Peterson, Reeve, Reiley, Sarnighausen, Winterbotham and Wood—12.

The motion to reconsider was agreed to.

The following message was received from the House by the Clerk thereof:

MR. PRESIDENT:

I am directed by the Speaker of the House to inform the Senate that he has signed House Concurrent Resolution No. 30.

Also, that the House has passed engrossed House Bill No. 506, entitled "An act regulating loans of congressional township school funds," etc.

Also, House Bill No. 605, entitled "An act to provide for the punishment of persons guilty of giving certificates of false weights and measures," etc.

Also, House Bill No. 623, entitled "An act to legalize the sale and conveyance of certain real estate situate in Randolph county, Indiana, and declaring an emergency."

And the same are herewith transmitted to the Senate for its action thereon.

The following message was received from the House by the clerk thereof:

MR. PRESIDENT:

I am directed by the Speaker of the House to inform the Senate that he has signed the following Enrolled Senate Acts, viz: Nos. 253, 303, 308, 313, 338 and 392, and the same are herewith returned to the Senate.

Also, that the House has passed House Concurrent Resolution No. 39, a resolution providing for a commission in regard to an insurance law for this State.

And the same are herewith returned to the Senate.

Mr. Wilson moved to reconsider the vote by which lines 28, 29 and 30, of section 24, of the committee report, were stricken out.

Mr. Olds demanded the previous question.

Which was seconded by the Senate.

The main question was ordered.

The question being on the motion to reconsider.

The ayes and noes were demanded by Messrs. Shirk and Olds, which being ordered and taken, resulted as follows:

Those who voted in the affirmative were: Senators Cadwallader, Coffey, Comstock, Davenport, Foster, Garrigus, Grubbs, Harris, Hart, Heiron, Kahlo, Kramer, Menzies, Mercer, Moore, Olds, Poindexter, Ragan, Shaffer, Shirk, Smith, Streight, Tarlton, Taylor, Traylor, Treat, Trusler, Urmstan, Viehe, Weir, Wilson and Wood—32.

Those who voted in the negative were: Senators Benz, Briscoe,

Burrell, Donham, Fowler, Kent, Peterson, Reeve, Reiley, Sarnighausen and Winterbotham—11.

The motion was agreed to.

Mr. Moore made an ineffectual motion to adopt section 24 of the committee report.

Mr. Burrell moved to strike out lines 28, 29 and 30 of the report of the committee.

Mr. Shirk moved to reject the motion.

Mr. Burrell moved to lay the motion to reject on the table.

Which was rejected.

The question recurring on the motion to reject the motion to strike out lines 28, 29 and 30 of the report.

It was agreed to.

Mr. Langdon offered the following resolution :

Resolved, That no Senator shall speak longer than five minutes, nor more than once, upon any one question arising upon the consideration of House bill No. 344.

Which was adopted.

Mr. Moore moved to adopt section 24 :

Which was rejected.

Mr. Woollen offered the following amendment to section 24 :

Amend section 24, lines 25, 26, 27, 28, 29 and 30, by striking out all after the word "filed," in line 26, and inserting the following: "Receiving no specific allowance therefor, except for filing assessment list and appraisers' returns and county orders redeemed, for each of which he shall receive one cent."

The question being on the adoption of the amendment.

The ayes and noes were demanded by Messrs. Wilson and Garrigus, which being ordered and taken resulted as follows :

Those who voted in the affirmative were: Senators Benz, Briscoe, Burrell, Donham, Fowler, Kent, Leeper, Moore, Peterson, Reeve, Reiley, Sarnighausen, Tarlton, Winterbotham, Wood and Woollen—16.

Those who voted in the negative were: Senators Cadwallader, Coffey, Comstock, Davenport, Garrigus, Harris, Hart, Hebron, Kahlo, Langdon, Olds, Poindexter, Ragan, Shaffer, Shirk, Streight,

Taylor, Traylor, Treat, Trusler, Urmstan, Viehe, Weir and Wilson—24.

The amendment was rejected.

On motion by Mr. Shirk section 24 was adopted.

Mr. Coffey offered the following amendment to section 27:

Amend section 27 by inserting after the words "one per cent." in line 34, the following: "But when the money is paid to him without sale, one-half of the above commission shall be allowed."

Which was agreed to.

Mr. Benz offered the following amendment to section 27:

Amend section 27 by striking out lines 32, 33 and 34 and insert in lieu thereof the following: "Five per cent., and on all amounts above \$300 two per cent., and one-half of the above fees if paid without sale."

Mr. Shirk moved to reject the amendment.

The ayes and noes were demanded by Messrs. Shirk and Benz, which being ordered and taken resulted as follows:

Those who voted in the affirmative were: Senators Cadwallader, Coffey, Comstock, Dice, Donham, Foster, Fowler, Garrigus, Grubbs, Harris, Hart, Hefron, Kahlo, Kramer, Leeper, Mercer, Moore, Olds, Peterson, Ragan, Reeve, Reiley, Shaffer, Shirk, Streight, Tarlton, Taylor, Trusler, Urmstan, Wilson, Wood and Woollen—32.

Those who voted in the negative were: Senators Benz, Burrell, Kent, Smith and Winterbotham—5.

The amendment was lost.

Mr. Burrell offered the following amendment to section 27:

For serving each summons on each person named, 35 cents, and for each mile necessarily traveled in going and returning to serve the same, 8 cents; when served by copy same as above.

Mr. Traylor offered the following as a substitute for the amendment:

Amend section 27 of report of committee by striking out lines 25 and 26 and inserting the following instead: "For serving each person on a subpoena or a summons required by law, 35 cents, and for each copy when required, 25 cents."

Which was agreed to.

Mr. Comstock offered the following amendment:

Amend section 27 by inserting after the word "for," where it first occurs in line 72, the words "by law," and by striking out the word "allowed" in line 73 and inserting instead thereof the word "taxed."

Mr. Reeve offered the following as a substitute for the amendment:

For boarding each prisoner, per day, 40 cents, to be paid out of the county treasury. In criminal cases not otherwise provided for the like fees as for services in civil cases shall be allowed and taxed.

Which was agreed to.

Mr. Briscoe offered the following amendment to section 27:

Amend section 27, line 42, by inserting after the word "of" "removing and."

Which was agreed to.

Mr. Burrell offered the following amendment to section 27:

Amend section 27 of said bill as follows: "For mileage for going to post up notice of sale 8 cents."

Which was rejected.

Mr. Kent moved to strike out the word "forty" in line 71, section 27, and insert in lieu thereof the word "fifty."

Which was rejected.

Mr. Traylor offered the following amendment:

Amend section 27 of report of committee by striking out "fifty cents" in line 43, and inserting the words "one dollar."

Which was adopted.

Section 27 as amended was adopted.

The following message was received from the House by the Clerk thereof:

MR. PRESIDENT:

I am directed by the Speaker of the House to inform the Senate that he has signed Enrolled Senate Act No. 426.

Also, enrolled House Act No. 689.

And the same are herewith transmitted to the Senate for the signature of the President thereof.

Also, that the House has passed engrossed House Bill No. 203, entitled "An act to enable cities incorporated under the general law of this State to aid in the construction of railroads," etc.

And the same are herewith transmitted to the Senate.

Mr. Reeve offered the following amendment to section 28:

Erase the words "the sheriff, clerk, treasurer and auditor," and in lieu thereof insert the words "any public officer."

Which was agreed to.

Mr. Reeve offered the following amendment to section 28:

After the word "ems," in line 8, insert the words "in nonpareil type, set solid, without leads or other filling or spreading or display to increase the space."

Which was agreed to.

Section 28 as amended was adopted.

The following message was received from the House by the Clerk thereof:

MR. PRESIDENT:

I am directed by the Speaker of the House to inform the Senate that the House has refused to concur in the Senate amendments to House amendments to engrossed Senate bill No. 103, and requests a conference thereon, and the Speaker has appointed as a committee of conference on part of the House, Messrs. Fleming and Sleeth.

Mr. Olds offered the following amendment:

Amend by adding 28½, "for publishing delinquent list 35 cents for each description."

The question being on the adoption of the amendment.

The ayes and noes were demanded by Messrs. Olds and Wilson, being ordered and taken resulted as follows:

Those who voted in the affirmative were: Senators Cadwallader, Coffey, Comstock, Davenport, Dice, Donham, Foster, Fowler, Grubbs, Harris, Kahlo, Kent, Langdon, Leeper, Mercer, Olds, Peterson, Reeve, Sarnighausen, Shaffer, Smith, Streight, Tarlton, Traylor, Treat, Trusler, Urmstan, Viehe, Winterbotham, Wood and Woollen—31.

Those who voted in the negative were: Senators Garrigus, Hart, Kramer, Menzies, Poindexter, Ragan, Shirk, Taylor and Wilson—9.

The amendment was agreed to.

The following message was received from the House by the Clerk thereof:

MR. PRESIDENT:

I am directed by the Speaker of the House to inform the Senate that the House has passed Engrossed House Bill No. 477, entitled

"An act to define and punish the crimes of burglary and house-breaking."

And the same is herewith transmitted to the Senate for its action thereon.

The Senate adjourned.

AFTERNOON SESSION.

MARCH 21, 1879.

The Senate reassembled at 2 o'clock P. M. Lieutenant-Governor Gray in the chair.

Mr. Coffey, from the committee on enrolled bills, submitted the following report:

MR. PRESIDENT:

Your committee on enrolled bills have examined Enrolled Senate Bill No. 426 and find the same to be correctly enrolled.

The chair appointed Messrs. Foster and Menzies as the committee of conference on the part of the Senate on Engrossed Senate Bill No. 103.

Mr. Menzies moved to take up House-Concurrent Resolution No. 39.

Mr. Langdon moved to lay the motion on the table.

The ayes and noes were demanded by Messrs. Langdon and Trusler, which being ordered and taken, resulted as follows:

Those who voted in the affirmative were: Senators Burrell, Cadwallader, Coffey, Comstock, Davenport, Donham, Fowler, Garrigus, Grubbs, Harris, Hefron, Langdon, Mercer, Moore, Olds, Poindexter, Ragan, Reeve, Reiley, Shaffer, Shirk, Smith, Streight, Tarlton, Taylor, Trusler, Weir, Wilson and Woollen—29.

Those who voted in the negative were; Senators Foster, Hart, Kahlo, Kent, Kramer, Menzies, Peterson, Sarnighausen, Traylor, Urnstan, Viehe, Winterbotham and Wood—13.

The motion was agreed to.

The Senate resumed consideration of the fee and salary bill.

Section 29 was adopted.

Mr. Reeve offered the following substitute for section 30:

Any officer who shall in person knowingly charge, demand or take any fee for any official act done or performed under the provisions of this act, other than is herein allowed and provided for, shall be fined in any sum not less than fifty nor more than one thousand dollars, to which shall be added the amount of fees so unlawfully charged, demanded or taken, with eight per cent. interest on such fee from the date of the charge, or demanded and taken, and such fee, with interest, shall be paid to the party from whom taken. But no officer shall be fined for any unlawful charge or taking by a deputy, unless he know of and fail to correct the same, and such deputy shall be personally liable as an officer under this act. Such fines to be prosecuted for and recovered as in cases for misdemeanor.

The question being on the adoption of the substitute.

The ayes and noes were demanded by Messrs. Traylor and Wood, which being ordered and taken, resulted as follows:

Those who voted in the affirmative were: Senators Burrell, Comstock, Davenport, Dice, Foster, Garrigus, Grubbs, Harris, Kahlo, Leeper, Major, Menzies, Mercer, Olds, Peterson, Reeve, Sarnighausen, Shaffer, Taylor, Traylor, Winterbotham and Wood—22.

Those who voted in the affirmative were: Senators Benz, Briscoe, Cadwallader, Coffey, Davis, Donham, Fowler, Hart, Hebron, Kramer, Langdon, Moore, Poindexter, Ragan, Reiley, Shirk, Smith, Straight, Tarlton, Trusler, Urmstan, Viehe, Weir, Wilson and Woollen—25.

The substitute was rejected.

Mr. Viehe offered the following amendment to section 30:

Amend section 30 by striking out all after "shall be" in line 3 and inserting "liable on his official bond to the party injured for five times the illegal fees charged, demanded or taken; the same may be recovered, with costs, in the circuit court: *Provided*, No officer shall be liable for any unlawful sum charged or taken by his deputy unless he know of and fail to correct the same, and such deputy shall be liable as an officer to such prosecution for taking."

Which was adopted.

Mr. Dice offered the following amendment to section 30:

Amend section 30, lines 1 and 6, by striking out the word "and" after the word "demand" and insert in lieu thereof the word "or."

Which was agreed to.

Section 30 of the committee report as amended was adopted.

Section 31 of the committee report was adopted.

Leave of absence was asked and obtained for the conference committee on engrossed Senate Bill No. 103 for one-half hour.

Mr. Shaffer offered the following amendment:

Amend by inserting section 31½ as follows:

Section 31½. The county commissioners' fees shall be as follows, to-wit: For each day's attendance as a member of the county board or board of equalization, each commissioner shall receive \$3.

Mr. Burrell offered the following amendment to the amendment:

Amend the amendment by striking out the word "three," and inserting in lieu thereof the words "four dollars and fifty cents."

Mr. Shaffer moved to reject the amendment to the amendment.

Which was agreed to.

On motion of Mr. Leeper, the amendment was also rejected.

Mr. Comstock offered the following amendment as section 31½:

The salary of the prosecuting attorneys of the circuit and criminal courts shall be \$600.

Mr. Sarnighausen offered the following as a substitute for the amendment:

Sec. —. The salary of the prosecuting attorneys of the criminal courts shall be five hundred dollars per year; *Provided*, That the board of commissioners of any county in which a criminal circuit court is now organized or may be hereafter organized, may allow the prosecuting attorney of such court a compensation not exceeding \$1,000 per year in addition to the salary now allowed to him by law, to be paid monthly out of the treasury of such county.

Mr. Fowler moved to reject the substitute:

Which was agreed to.

Mr. Burrell moved to reject the amendment of Mr. Comstock.

Which was agreed to.

The following message was received from the House by the Clerk thereof:

MR. PRESIDENT:

I am directed by the Speaker of the House to inform the Senate that the House has passed engrossed House Bill No. 687, entitled "A bill for an act to authorize a loan to pay off the temporary debt heretofore incurred."

Also, engrossed House Bill No. 464, entitled "A bill to amend the second and third sections of an act entitled an act defining who are persons of unsound mind and authorizing the appointment of guardians for such persons, prescribing their powers and duties."

Also, engrossed House Bill No. 471, entitled "An act to enable the owners of wet lands to drain and reclaim them," etc.

Also, engrossed Senate Bill No. 122, entitled "An act to provide for the repair of free turnpike roads."

And the same are herewith transmitted to the Senate for its action thereon.

Mr. Kent offered the following amendment:

Section 31½. The circuit and criminal prosecuting attorney's fees shall be as follows, to-wit:

Docket fee on plea of guilty in felony, \$7.

Docket fee on plea of not guilty in felony, \$10.

Docket fee on plea of guilty in misdemeanors, \$5.

Docket fee on plea of not guilty in misdemeanors, \$7.

Sec. 2. The circuit prosecuting attorneys fees shall be as follows, to-wit:

Docket fee before justices of the peace on a plea of guilty or not guilty, \$5.

Docket fee in divorce cases when successfully resisted and to be taxed as costs and paid by the losing party, \$5.

Docket fee upon forfeited recognizance, \$10.

And when he prosecutes to final judgment against the defendant, ten per cent. on the money collected.

In all other cases where said prosecuting attorney is required to prosecute or defend the fee shall be \$10.

Mr. Harris moved to reject the amendment.

The ayes and noes were demanded by Messrs. Kent and Kahlo, which being ordered and taken resulted as follows:

Those who voted in the affirmative were: Senators Briscoe, Burrell, Coffey, Comstock, Davenport, Dice, Foster, Fowler, Garrigus, Grubbs, Hart, Hefron, Kahlo, Kramer, Langdon, Leeper, Major, Mercer, Olds, Peterson, Poindexter, Ragan, Reeve, Reiley, Sarnighausen, Shaffer, Shirk, Smith, Streight, Tarlton, Taylor, Traylor, Treat, Trusler, Viche, Weir, Wilson, Winterbotham, Wood and Woollen—41.

Those who voted in the negative were: Senators Benz, Kent and Urnstan—3.

The motion to reject was agreed to.

Mr. Harris offered the following amendment to section 32:

Amend by adding to section 32: "If it be found necessary and so entered of record to employ any person to render any service as contemplated in this act as a public necessity, the contract for such employment shall be spread of record in said court, and for such services rendered the claimant shall file his account in said court ten days before the beginning of the term, and any tax-payer shall have the right to contest the claim."

Which was adopted.

Section 32 as amended was adopted.

Mr. Fowler offered the following amendment:

Section 32½. The mine inspector, in addition to the fees now allowed by law, shall receive the sum of \$200 per annum, to be paid as the salaries of other State officers are paid.

Mr. Olds moved to reject the amendment.

The ayes and noes were demanded by Messrs. Fowler and Kahlo, which being ordered and taken resulted as follows:

Those who voted in the affirmative were: Senators Burrell, Cadwallader, Coffey, Comstock, Davenport, Davis, Dice, Donham, Foster, Garrigus, Grubbs, Harris, Hart, Kahlo, Kramer, Langdon, Leeper, Major, Mercer, Moore, Olds, Peterson, Poindexter, Ragan, Reeve, Sarnighausen, Shaffer, Shirk, Smith, Streight, Tarlton, Taylor, Trusler, Urmstan, Weir, Wilson and Woollen—37.

Those who voted in the negative were: Senators Benz, Fowler, Hefron, Kent, Reiley, Traylor, Treat, Winterbotham and Wood—9.

The amendment was rejected.

Mr. Reeve moved to reconsider the vote by which section 30 of the report was adopted.

Mr. Burrell moved to lay the motion on the table.

The ayes and noes were demanded by Messrs. Burrell and Reeve, which being ordered and taken resulted as follows:

Those who voted in the affirmative were: Senators Benz, Burrell, Donham, Foster, Langdon, Poindexter, Reiley, Shirk, Smith, Tarlton, Viehe and Weir—12.

Those who voted in the negative were: Senators Briscoe, Comstock, Davenport, Davis, Dice, Fowler, Garrigus, Grubbs, Hart, Hefron, Kahlo, Kent, Kramer, Leeper, Major, Mercer, Moore, Peterson, Ragan, Reeve, Sarnighausen, Shaffer, Streight, Taylor,

Traylor, Treat, Trusler, Urmstan, Wilson, Winterbotham, Wood and Woollen—23.

The motion to lay on the table was rejected.

The question recurring on the motion to reconsider.

It was agreed to.

Mr. Dice moved to reconsider the vote by which the amendment offered by Mr. Viehe to section 30 was adopted.

Which was agreed to.

Mr. Reeve offered the following as a substitute for Mr. Viehe's amendment:

Insert after the word "dollars," in line 5, "and shall be liable on his official bond to the party injured for five times the illegal fees charged, demanded or taken, and the same may be recovered with costs in the circuit court; *Provided*, No officer shall be liable for any unlawful sum charged or taken by his deputy, unless he knows of and fails to correct the same, and such deputy shall be liable as an officer to prosecution for such unlawful charge or taking."

Which was adopted.

Section 30, as amended, was adopted.

Mr. Shirk offered the following additional section:

Section —. The members of the General Assembly shall receive pay at the rate of five dollars per day while in actual attendance, or absent by leave or on business of the General Assembly, or unable to attend from sickness; and mileage at the rate of five cents per mile for each mile necessarily traveled in going to and returning from the seat of government; *Provided*, That when a special session is called by the Governor, to assemble on the day succeeding the expiration of a regular session, no mileage shall be allowed.

Mr. Foster offered the following substitute to the whole subject matter:

The members of the General Assembly shall be allowed by way of mileage from their usual place of residence to the seat of government and back, the most usually traveled route, their actual traveling expenses, and no more."

Mr. Olds moved to reject the substitute offered by Mr. Foster.

Mr. Harris moved that debate cease.

Which was agreed to.

The question being on the motion to reject.

The ayes and noes were demanded by Messrs. Foster and Ragan, which being ordered and taken resulted as follows:

Those who voted in the affirmative were: Senators Benz, Burrell, Cadwallader, Coffey, Davis, Donham, Fowler, Harris, Hart, Hefron, Kent, Kramer, Langdon, Leeper, Major, Menzies, Mercer, Moore, Olds, Reeve, Reiley, Sarnighausen, Shaffer, Tarlton, Taylor, Urmstan, Viehe, Winterbotham and Wood—29.

Those who voted in the negative were: Senators Briscoe, Comstock, Davenport, Dice, Foster, Garrigus, Grubbs, Kahlo, Peterson, Ragan, Shirk, Smith, Streight, Traylor, Treat, Trusler, Weir, Wilson and Woollen—19.

The motion was agreed to.

Mr. Burrell moved to amend Mr. Shirk's amendment.

The ayes and noes were demanded by Messrs. Shirk and Ragan, which being ordered and taken resulted as follows:

Those who voted in the affirmative were: Senators Benz, Briscoe, Burrell, Coffey, Comstock, Davis, Donham, Fowler, Grubbs, Harris, Hart, Hefron, Kahlo, Kent, Kramer, Langdon, Leeper, Menzies, Major, Moore, Olds, Reeve, Reiley, Sarnighausen, Shaffer, Smith, Streight, Tarlton, Traylor, Treat, Urmstan, Viehe, Winterbotham, Wood and Woollen—35.

Those who voted in the negative were: Senators Davenport, Dice, Foster, Garrigus, Mercer, Peterson, Ragan, Shirk, Trusler, Weir and Wilson—11.

The motion to reject was agreed to.

Leave of absence was asked and obtained for Mr Kent until next Monday morning.

Mr. Burrell offered the following amendment:

Amend the report of the committee by adding the following additional section:

"That no judge of any court in this State shall make any allowance to any officer or person named in this act, except as in this act provided."

Which was adopted.

Mr. Reeve offered the following amendment:

Amend the report of the committee by additional section to be numbered 13½, reading as follows:

Section 13½. The trustees of the Asylum for Feeble Minded Children, including services for Soldiers' and Sailors' Orphans' Home, shall receive as salary the sum of four hundred dollars per annum, out of which they shall pay their own traveling expenses.

The question being on the adoption of the amendment.

The ayes and noes were demanded by Messrs. Reeve and Garrigus, which being ordered and taken resulted as follows:

Those who voted in the affirmative were: Senators Benz, Burrell, Coffey, Donham, Hefron, Kent, Major, Menzies, Reeve, Sarnighausen, Shaffer, Taylor, Traylor and Winterbotham—14.

Those who voted in the negative were: Senators Briscoe, Cadwallader, Comstock, Davenport, Dice, Foster, Fowler, Garrigus, Grubbs, Harris, Hart, Kahlo, Kramer, Langdon, Mercer, Moore, Olds, Peterson, Poindexter, Ragan, Reiley, Shirk, Smith, Streight, Tarlton, Treat, Trusler, Urmstan, Viehe, Wier, Wilson, Wood and Woollen—33.

The amendment was rejected.

Mr. Woollen moved that the report of the committee as amended be adopted.

The ayes and noes were demanded by Messrs. Reeve and Kahlo, which being ordered and taken, resulted as follows:

Those who voted in the affirmative were: Senators Briscoe, Cadwallader, Comstock, Davenport, Foster, Fowler, Grubbs, Harris, Hart, Hefron, Kahlo, Kramer, Langdon, Leeper, Major, Mercer, Moore, Olds, Peterson, Poindexter, Ragan, Reiley, Shirk, Smith, Streight, Tarlton, Taylor, Traylor, Treat, Trusler, Urmstan, Viehe, Weir, Wood and Woollen—35.

Those who voted in the negative were: Senators Benz, Burrell, Coffey, Dice, Donham, Garrigus, Menzies, Reeve, Sarnighausen, Shaffer, Wilson and Winterbotham—12.

The report as amended was adopted.

On motion of Mr. Harris the amendments to the bill were ordered engrossed.

Mr. Harris moved to take up the specific appropriation bill and put it upon its passage.

Mr. Burrell moved as an amendment to the motion, to take up engrossed House bill No. 295, and on that motion demanded the previous question.

Which was seconded by the Senate.

The main question was ordered.

The question being on the motion to take up engrossed House bill No. 295.

The ayes and noes were demanded by Messrs. Burrell and Langdon, which being ordered and taken resulted as follows:

Those who voted in the affirmative were: Senators Burrell, Coffey, Donham, Foster, Fowler, Hart, Major, Menzies, Peterson, Reiley, Tarlton, Traylor, Urmstan, Weir and Woollen—15.

Those who voted in the negative were: Senators Benz, Briscoe, Cadwallader, Comstock, Davenport, Davis, Dice, Garrigus, Grubbs, Harris, Hefron, Kahlo, Kramer, Langdon, Leeper, Mercer, Moore, Olds, Poindexter, Ragan, Reeve, Sarnighausen, Shaffer, Shirk, Smith, Streight, Taylor, Treat, Trusler, Viehe, Wilson, Winterbotham and Wood—33.

The motion was rejected.

The question recurring on the motion to take up the specific appropriation bill.

It was agreed to.

Mr. Reeve moved to adjourn.

The ayes and noes were demanded by Messrs. Harris, Dice, Streight, Langdon and Trusler, which being ordered and taken resulted as follows:

Those who voted in the affirmative were: Senators Benz, Briscoe, Burrell, Davis, Donham, Foster, Hefron, Reeve, Reiley, Tarlton and Viehe—11.

Those who voted in the negative were: Senators Cadwallader, Comstock, Davenport, Dice, Fowler, Garrigus, Grubbs, Harris, Hart, Kahlo, Kent, Kramer, Langdon, Major, Menzies, Mercer, Moore, Olds, Peterson, Poindexter, Ragan, Sarnighausen, Shaffer, Shirk, Smith, Streight, Taylor, Treat, Trusler, Urmstan, Weir, Wilson, Winterbotham, Wood and Woollen—36.

The motion to adjourn was rejected.

Engrossed House Bill No. 640, entitled "An act making specific appropriations for the year one thousand eight hundred and seventy-nine," etc., was taken up and read the third time.

The question being, shall the bill pass?

The ayes and noes were ordered and taken, resulting as follows:

Those who voted in the affirmative were: Senators Cadwallader, Davenport, Davis, Donham, Fowler, Grubbs, Harris, Hart, Kahlo,

Kramer, Langdon, Leeper, Mercer, Moore, Olds, Peterson, Poindexter, Ragan, Reiley, Shaffer, Shirk, Smith, Streight, Tarlton, Taylor, Treat, Trusler, Urmstan, Viehe, Winterbotham and Wood—31.

Those who voted in the negative were: Senators Benz, Briscoe, Burrell, Coffey, Comstock, Dice, Foster, Garrigus, Hefron, Menzies, Reeve, Sarnighausen, Traylor, Weir and Wilson—15.

The bill passed.

The title of the bill was read and ordered by the Senate to stand approved as read.

Mr. Hefron moved to take up engrossed House Bill No. 687, entitled "An act to authorize a loan to pay off the temporary loan debt heretofore incurred.

Which was agreed to, and the bill taken up and read the first time.

Mr. Hefron moved that the constitutional rule be suspended, the bill read the second time, considered engrossed, read the third time and put upon its passage.

The question being on the motion to suspend the constitutional rule.

The ayes and noes were ordered and taken, resulting as follows:

Those who voted in the affirmative were: Senators Burrell, Cadwallader, Comstock, Davis, Donham, Fowler, Grubbs, Harris, Hefron, Kramer, Leeper, Major, Menzies, Mercer, Moore, Olds, Peterson, Ragan, Reeve, Reiley, Sarnighausen, Shirk, Smith, Tarlton, Taylor, Treat, Urmstan, Viehe, Winterbotham, Wood and Woollen—31.

Those who voted in the negative were: Senators Benz, Briscoe, Dice, Foster, Garrigus, Hart, Langdon, Poindexter, Streight, Trusler, Weir and Wilson—12.

The motion was not agreed to for want of a constitutional majority.

Mr. Reiley, from the special committee, reported Engrossed House Bill No. 377, entitled "An act to regulate the practice of medicine, midwifery and surgery, and provide penalties for violating the same.

Which, with the report of the committee recommending its passage with amendments, was placed on file without reading.

The following message was received from the House by the Clerk thereof:

MR. PRESIDENT:

I am directed by the Speaker of the House to inform the Senate that he has signed enrolled House Acts Nos. 592 and 401.

Also, that the House has passed Engrossed House Bill No. 107, entitled "An act to amend section 70 of an act entitled an act providing for the election and qualification of justices of the peace," etc.

And the same are herewith transmitted to the Senate.

Mr. Langdon offered the following concurrent resolution:

Resolved by the Senate (the House of Representatives concurring therein), That this General Assembly adjourn without day on Monday, the twenty-fourth day of March, 1879, at 6 o'clock, P. M.

Mr. Langdon moved to adopt the resolution, and on that motion demanded the previous question.

Mr. Burrell demanded a call of the Senate, which being ordered and taken discovered the following Senators present and answering to their names:

Senators Benz, Briscoe, Burrell, Cadwallader, Coffey, Comstock, Davis, Dice, Donham, Foster, Fowler, Garrigus, Grubbs, Harris, Hart, Hefron, Kramer, Langdon, Leeper, Major, Menzies, Mercer, Moore, Olds, Peterson, Poindexter, Ragan, Reeve, Reiley, Sarnighausen, Shaffer, Shirk, Smith, Streight, Tarlton, Taylor, Treat, Trusler, Urmstan, Viehe, Weir, Wilson, Winterbotham, Wood and Woollen—45.

Mr. Burrell moved that the absentees be sent for.

Mr. Harris moved that further proceedings under the call be dispensed with.

Which was agreed to.

The question being on seconding the demand for the previous question.

The ayes and noes were demanded by Messrs. Reeve and Burrell, which being ordered and taken, resulted as follows:

Those who voted in the affirmative were: Senators Briscoe, Cadwallader, Coffey, Comstock, Davis, Dice, Foster, Fowler, Garrigus, Harris, Kramer, Langdon, Leeper, Major, Menzies, Mercer, Moore, Olds, Peterson, Poindexter, Reiley, Shaffer, Shirk, Smith, Streight, Taylor, Treat, Trusler, Viehe, Weir, Wilson and Winterbotham—32.

Those who voted in the negative were: Senators Benz, Burrell, Donham, Grubbs, Hart, Hefron, Ragan, Reeve, Sarnighausen, Tarlton, Urmstan and Wood—12.

The previous question was seconded.

The main question was ordered.

The question being on the adoption of the resolution.

The ayes and noes were demanded by Messrs. Streight and Langdon, which being ordered and taken resulted as follows:

Those who voted in the affirmative were: Senators Cadwallader, Comstock, Dice, Foster, Fowler, Harris, Langdon, Major, Menzies, Mercer, Moore, Olds, Peterson, Poindexter, Ragan, Reiley, Shirk, Smith, Streight, Taylor, Treat, Trusler, Weir, Wilson and Winterbotham—25.

Those who voted in the negative were: Senators Benz, Briscoe, Burrell, Davis, Donham, Garrigus, Hart, Hefron, Kramer, Leeper, Reeve, Sarnighausen, Tarlton, Urmstan, Viehe and Wood—16.

The resolution was adopted.

Mr. Burrell moved to take up Engrossed House Bill No. 671, entitled "An act appropriating money to defray the expenses of the special session of the General Assembly.

The Senate adjourned.

(Approved.)

ISAAC P. GRAY,
President of the Senate.

SATURDAY MORNING:

MARCH 22, 1879.

Senate met at 9 o'clock A. M., Lieutenant-Governor Gray in the chair.

The Journal of yesterday was being read when, on motion of Mr. Davenport, the further reading was dispensed with.

Mr. Comstock, from the committee on the judiciary, reported Engrossed House Bill No. 114, entitled "An act to legalize and make valid the organization of certain loan and savings associations, and to extend the term of their existence in certain cases," etc.

Which was placed on file without reading.

Mr. Comstock, from the committee on the judiciary, reported Engrossed Senate Bill No. 290, entitled "An act creating a bureau of statistics," etc., with the report of the committee recommending that it lie upon the table.

Which was placed on file without reading.

On motion of Mr. Davenport, Engrossed House Bill No. 114, entitled "An act to legalize and make valid the organization of certain loan and saving associations, and to extend the term of their existence in certain cases," etc., was taken up and read the second time, with the report of the committee recommending its passage.

Which was concurred in.

Mr. Davenport moved that the constitutional rule be suspended and the bill read the third time now and put upon its passage.

The question being on the motion to suspend the rule.

The ayes and noes were ordered and taken, resulting as follows:

Those who voted in the affirmative were: Senators Benz, Burrell, Cadwallader, Coffey, Comstock, Davenport, Davis, Dice, Donham, Foster, Fowler, Garrigus, Grubbs, Harris, Hart, Kahlo, Kramer, Langdon, Leeper, Major, Mercer, Moore, Olds, Peterson, Poindexter, Reiley, Sarnighausen, Shaffer, Smith, Streight, Tarlton, Traylor, Treat, Trusler, Viehe, Weir, Wilson, Winterbotham and Wood—40.

No one voting in the negative.

The constitutional rule was suspended.

Engrossed House Bill No. 114 was read the third time.

The question being, shall the bill pass?

The ayes and noes were ordered and taken, resulting as follows:

Those who voted in the affirmative were: Senators Benz, Briscoe, Burrell, Cadwallader, Coffey, Comstock, Davenport, Davis, Dice, Donham, Foster, Fowler, Garrigus, Grubbs, Harris, Hart, Kahlo, Kramer, Langdon, Leeper, Major, Mercer, Moore, Olds, Peterson, Poindexter, Reiley, Sarnighausen, Shaffer, Shirk, Smith, Streight, Tarlton, Taylor, Traylor, Treat, Trusler, Urmstan, Viehe, Weir, Wilson, Winterbotham and Wood—43.

No one voting in the negative.

The bill passed.

The title of the bill was read, and ordered by the Senate to stand approved as read.

Mr. Cadwallader moved to take up engrossed House bill No. 623, entitled "An act to legalize the sale and conveyance of certain real estate situate in Randolph county, Indiana," etc.

Which was agreed to.

Engrossed House Bill No. 623 was read the first time.

Mr. Cadwallader moved that the constitutional rule be suspended, the bill read the second and third times now, and put upon its passage.

The question being on the motion to suspend the rule.

The ayes and noes were ordered and taken, resulting as follows:

Those who voted in the affirmative were: Senators Benz, Briscoe, Burrell, Cadwallader, Coffey, Comstock, Davenport, Davis, Dice, Donham, Fowler, Garrigus, Grubbs, Harris, Hart, Kahlo, Kramer, Langdon, Leeper, Major, Menzies, Mercer, Moore, Olds, Peterson, Poindexter, Ragan, Reiley, Sarnighausen, Shaffer, Smith, Streight, Tarlton, Taylor, Traylor, Treat, Trusler, Viehe, Weir, Wilson, Winterbotham and Wood—41.

No one voting in the negative.

The constitutional rule was suspended.

Engrossed House Bill No. 623 was read the second and third times.

The question being shall the bill pass?

The ayes and noes were ordered and taken, resulting as follows:

Those who voted in the affirmative were: Senators Benz, Briscoe, Burrell, Cadwallader, Comstock, Davenport, Davis, Dice, Donham, Fowler, Garrigus, Grubbs, Harris, Hart, Kahlo, Kramer, Langdon, Leeper, Major, Mercer, Moore, Olds, Peterson, Poindexter, Reiley, Sarnighausen, Shaffer, Shirk, Smith, Streight, Tarlton, Traylor, Treat, Trusler, Urmstan, Viehe, Weir, Wilson, Winterbotham and Wood—40.

No one voting in the negative.

The bill passed.

The title of the bill was read and ordered by the Senate to stand approved as read.

Mr. Traylor moved to take up Engrossed House Bill No. 168, entitled "An act to authorize cities and towns to issue bonds for the purpose of funding their indebtedness," etc. .

Which was agreed to.

Engrossed House Bill No. 168 was taken up and read the second time with the report of the committee recommending its passage.

Which was concurred in.

Mr. Traylor moved to suspend the constitutional rule, read the bill the third time now, and put it upon its passage.

The question being on the suspension of the constitutional rule.

The ayes and noes were ordered and taken, resulting as follows:

Those who voted in the affirmative were: Senators Benz, Briscoe, Burrell, Cadwallader, Coffey, Comstock, Davenport, Davis, Dice, Donham, Foster, Fowler, Garrigus, Grubbs, Harris, Hart, Hefron, Kahlo, Kramer, Langdon, Leeper, Major, Menzies, Mercer, Moore, Olds, Peterson, Poindexter, Reiley, Sarnighausen, Shaffer, Shirk, Smith, Streight, Tarlton, Taylor, Traylor, Treat, Trusler, Urmstan, Viehe, Weir, Wilson, Winterbotham, Wood and Woollen—46.

No one voting in the negative.

The constitutional rule was suspended.

Engrossed House Bill No. 168 was read the third time.

The question being, shall the bill pass?

The ayes and noes were ordered and taken resulting as follows:

Those who voted in the affirmative were: Senators Benz, Briscoe, Burrell, Coffey, Comstock, Davenport, Davis, Dice, Foster, Fowler, Garrigus, Grubbs, Harris, Hart, Hefron, Kahlo, Kramer, Langdon, Leeper, Major, Mercer, Moore, Olds, Peterson, Poindexter, Reiley, Sarnighausen, Shaffer, Shirk, Smith, Streight, Tarlton, Taylor, Traylor, Treat, Trusler, Urmstan, Viehe, Weir, Wilson, Winterbotham, Wood and Woollen—43.

No one voting in the negative.

The bill passed.

The title of the bill was read and ordered by the Senate to stand approved as read.

Mr. Harris, from the committee of conference, to whom was referred engrossed Senate bill No. 158, entitled "An act concerning married women," submitted the following report:

MR. PRESIDENT:

Your committee of conference, to whom was referred Senate bill No. 158, have had the same under consideration, and beg leave to

report that we have agreed upon the following amendment in lieu of the House amendment.

Add a new section, viz:

Section 10. A married woman shall not mortgage or in any manner incumber her separate property acquired by descent, devise or gift, as a security for the debt or liability of her husband or any other person.

And so amended we recommend that the bill do pass.

On motion by Mr. Wood, engrossed House bill No. 620, entitled "An act to provide for a general system of common schools," etc., was taken up and read the first time and referred to the committee on education.

The following message was received from the House, by the Clerk thereof:

MR. PRESIDENT:

I am directed by the Speaker of the House to inform the Senate that he has signed enrolled House Act No. 672.

And the same is herewith transmitted to the Senate for the signature of the President thereof.

Also, that the House has passed Engrossed House Bill No. 331, entitled "An act to limit taxation by township trustees," etc.

Also, Engrossed House Bill No. 658, entitled "An act to amend an act entitled an act authorizing insurance companies to re-insure," etc.

And the same are herewith transmitted to the Senate for its act on thereon.

Mr. Hart moved to take up Engrossed House Bill No. 20, entitled "An act to create a State Bureau of Statistics," etc.

Mr. Burrell moved to amend by taking up Engrossed House Bill No. 671, entitled "An act appropriating \$25,000 for the expenses of the special session of the General Assembly, 1879."

Which was agreed to.

Engrossed House Bill No. 671 was read the first time.

Mr. Burrell moved to suspend the constitutional rule, read the bill the second and third times now, and put upon its passage.

The question being on suspension of the constitutional rule.

The ayes and noes were ordered and taken resulting as follows:

Those who voted in the affirmative were: Senators Benz, Briscoe, Burrell, Cadwallader, Coffey, Comstock, Davenport, Davis, Dice,

Donham, Foster, Fowler, Garrigus, Grubbs, Harris, Hart, Hefron, Kahlo, Kramer, Langdon, Major, Menzies, Mercer, Moore, Olds, Peterson, Poindexter, Reeve, Reiley, Sarnighausen, Shirk, Smith, Streight, Tarlton, Taylor, Traylor, Urmstan, Viehe, Winterbotham, Wood and Woollen—40.

Senator Wilson voting in the negative.

The constitutional rule was suspended.

Engrossed House Bill No. 671 was read the second time by title only.

Mr. Burrell offered the following amendment to the bill:

Amend section 1 by striking out the words "twenty-five thousand dollars," and insert in lieu thereof the sum of "thirty-five thousand dollars."

Which was agreed to.

The bill as amended was then adopted.

Engrossed House Bill No. 671 was read the third time.

The question being, shall the bill pass?

The ayes and noes were ordered and taken, resulting as follows:

Those who voted in the affirmative were: Senators Briscoe, Burrell, Cadwallader, Coffey, Comstock, Davenport, Davis, Dice, Donham, Foster, Fowler, Garrigus, Grubbs, Harris, Hart, Hefron, Kahlo, Kramer, Langdon, Leeper, Mercer, Moore, Olds, Peterson, Poindexter, Reiley, Sarnighausen, Shaffer, Shirk, Smith, Streight, Tarlton, Taylor, Traylor, Treat, Urmstan, Viehe, Weir, Winterbotham, Wood and Woollen—41.

Those who voted in the negative were: Senators Benz, Major, Trusler and Wilson—4.

The bill passed.

The title of the bill was read.

Mr. Burrell offered the following amendment to the title:

Amend the title of the bill as follows: by striking out the words "twenty-five thousand dollars," and inserting in lieu thereof the following, "thirty-five thousand dollars."

Which was agreed to.

The title as amended was adopted.

Mr. Grubbs moved to take up Engrossed House Bill No. 656, entitled "An act prescribing certain duties of the Auditor of State."

Mr. Urmstan moved to take up House bills on first reading.

Mr. Menzies offered the following resolution as a substitute:

Resolved, That the roll of Senators be called in alphabetical order, and that each Senator, as his name is called, be allowed to move that one bill or resolution be called up and acted upon—this rule to apply to this day.

Mr. Reeve moved that the resolution be indefinitely postponed.

The ayes and noes were demanded by Messrs. Menzies and Kahlo, which being ordered and taken, resulted as follows:

Those who voted in the affirmative were: Senators Coffey, Davis, Donham, Fowler, Grubbs, Moore, Olds, Peterson, Reeve, Reiley, Streight, Tarlton, Traylor, Treat, Urmstan, Viehe, Winterbotham, Wood and Woollen—19.

Those who voted in the negative were: Senators Benz, Briscoe, Burrell, Cadwallader, Comstock, Davenport, Dice, Foster, Garrigus, Harris, Hart, Hefron, Kahlo, Kramer, Langdon, Leeper, Major, Menzies, Mercer, Poindexter, Ragan, Sarnighausen, Shaffer, Shirk, Smith, Taylor, Trusler and Wilson—28.

The motion to indefinitely postpone was rejected.

The question recurring on the adoption of the resolution:

The ayes and noes were demanded by Messrs. Menzies and Winterbotham, which being ordered and taken, resulted as follows:

Those who voted in the affirmative were: Senators Benz, Briscoe, Burrell, Cadwallader, Comstock, Dice, Foster, Garrigus, Harris, Hart, Hefron, Kahlo, Langdon, Major, Menzies, Mercer, Poindexter, Ragan, Smith, Taylor, Wilson and Woollen—22.

Those who voted in the negative were: Senators Coffey, Davis, Donham, Fowler, Grubbs, Leeper, Moore, Olds, Peterson, Reeve, Reiley, Sarnighausen, Shaffer, Shirk, Streight, Tarlton, Traylor, Treat, Trusler, Urmstan, Viehe, Weir, Winterbotham and Wood—24.

The resolution was not adopted.

The question recurring on the motion to take up House Bills on first reading.

The ayes and noes were demanded by Messrs. Urmstan and Viehe, which being ordered and taken, resulted as follows:

Those who voted in the affirmative were: Senators Briscoe, Burrell, Cadwallader, Davis, Fowler, Garrigus, Hefron, Leeper,

Major, Mercer, Peterson, Reiley, Sarnighausen, Shaffer, Shirk, Tarlton, Taylor, Traylor, Urm-tan, Viehe and Winterbothan:—21.

Those who voted in the negative were: Senators Benz, Coffey, Comstock, Dice, Donham, Foster, Grubbs, Harris, Hart, Kahlo, Kramer, Langdon, Menzies, Moore, Olds, Poindexter, Reeve, Smith, Streight, Treat, Trusler, Wilson, Wood and Woollen—24.

Which was rejected.

The question now being on the motion to take up engrossed House bill No. 656.

It was agreed to.

Engrossed House bill No. 656 was read the first time.

Mr. Grubbs moved that the constitutional rule be suspended, the bill read the second and third times now, and put upon its passage.

The question being on the motion to suspend the constitutional rule.

The ayes and noes were ordered and taken, resulting as follows:

Those who voted in the affirmative were: Senators Cadwallader, Coffey, Comstock, Davenport, Davis, Dice, Donham, Foster, Fowler, Garrigus, Grubbs, Harris, Hart, Hetron, Kahlo, Kramer, Langdon, Mercer, Moore, Olds, Peterson, Poindexter, Ragan, Reeve, Reiley, Sarnighausen, Shaffer, Shirk, Smith, Streight, Taylor, Traylor, Treat, Trusler, Viehe, Weir, Wilson, Wood and Woollen—39.

Those who voted in the negative were: Senators Benz, Burrell, Major, Tarlton and Urmstan—5.

The constitutional rule was suspended.

Engrossed House Bill No. 656 was read the second and third times.

The question being, shall the bill pass?

The ayes and noes were ordered and taken, resulting as follows:

Those who voted in the affirmative were: Senators Benz, Burrell, Coffey, Comstock, Davis, Dice, Foster, Fowler, Garrigus, Grubbs, Harris, Hefron, Kahlo, Kramer, Langdon, Leeper, Major, Menzies, Mercer, Moore, Olds, Peterson, Ragan, Reeve, Reiley, Sarnighausen, Shaffer, Shirk, Smith, Streight, Tarlton, Taylor, Traylor, Treat, Trusler, Viehe, Weir, Wilson, Winterbotham and Woollen—40.

No one voting in the negative.

The bill passed.

The title of the bill was read and ordered by the Senate to stand approved as read.

Mr. Coffey, from the committee on enrolled bills, submitted the following report:

MR. PRESIDENT:

Your joint committee on enrolled bills have examined Enrolled Senate Bill No. 122, and find the same to be correctly enrolled.

On motion of Mr. Langdon, Engrossed House bill No. 344, entitled "An act fixing the fees and salaries and prescribing the duties of the officers and persons named therein," etc., as amended by the Senate, was taken up and read the third time.

The question being, shall the bill pass?

The ayes and noes were ordered and taken, resulting as follows:

Those who voted in the affirmative were: Senators Cadwallader, Comstock, Davenport, Davis, Foster, Fowler, Grubbs, Harris, Hart, Hefron, Kahlo, Kramer, Langdon, Major, Mercer, Moore, Olds, Peterson, Ragan, Reiley, Shirk, Smith, Streight, Tarlton, Taylor, Traylor, Treat, Trusler, Urmstan, Viehe, Weir, Wood and Woollen—33.

Those who voted in the negative were: Senators Benz, Briscoe, Burrell, Coffey, Dice, Donham, Garrigus, Leeper, Menzies, Poin-dexter, Reeve, Sarnighausen, Shaffer, Wilson and Winterbotham—15.

The bill passed.

The title of the bill was read.

Mr. Reeve offered the following amendment to the title:

An act fixing certain fees to be taxed in the offices, and the salaries of officers therein named; providing for certain employes in certain public offices, and fixing their compensation; defining certain duties and liabilities of officers and persons therein named; providing for the disposition of certain moneys; making certain appropriations; declaring certain violations of the provisions of this act to be a penal offense, and prescribing the punishment, and repealing all conflicting laws.

Which was agreed to.

The title as amended was adopted.

The following message was received from the House by the Clerk thereof:

MR. PRESIDENT:

I am directed by the Speaker of the House to inform the Senate that the House has concurred in the report of the conference committee on Senate bill No. 103.

Also, that the House has concurred in Senate amendments to engrossed House bill No. 671.

And said information is respectfully transmitted to the Senate.

Mr. Foster, from the conference committee to whom was referred Senate Bill No. 103, submitted the following report:

MR. PRESIDENT:

Your committee on conference, to whom was referred Senate Bill No. 103, have had the same under consideration and report the same back with the following recommendations, viz: That the Senate recede from its engrossed amendments, and that the following amendment be added to section 21 in lieu thereof, to-wit: *Provided*, If any person owning a water-power or mill property within the limits herein prescribed, in the use or management of which any stream is polluted to such an extent that the water thereof is thereby rendered unfit for use for such city purposes, such property or water-power may be condemned for the benefit of such city, but before the same is done such mill property shall be appraised by three disinterested resident freeholders of the county in which such property is situate, one of whom shall be selected by such trustees, one by the owner of such property, which two shall select a third, said appraisers shall appraise such property at its fair cash value, and upon the tender of the same by the city and refusal by the mill owner to accept the value appraised as aforesaid, such business may be enjoined in any court of competent jurisdiction.

J. J. FOSTER,

Senator from Allen county.

G. MENZIES,

Senator from Gibson and Posey counties.

OLIVER E. FLEMING,

Representative from Allen county.

GEORGE B. SLEETH,

Representative from Rush county.

Which was concurred in by the Senate.

Mr. Menzies moved to adopt the bill as amended.

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The ayes and noes were demanded by Messrs. Urmstan and Viehe, which being ordered and taken resulted as follows:

Those who voted in the affirmative were: Senators Benz, Briscoe, Burrell, Cadwallader, Comstock, Davenport, Davis, Dice, Donham, Foster, Garrigus, Grubbs, Harris, Hart, Hefron, Kahlo, Kramer, Langdon, Leeper, Major, Menzies, Mercer, Moore, Olds, Peterson, Poindexter, Ragan, Reiley, Sarnighausen, Shaffer, Smith, Streight, Tarlton, Taylor, Treat, Trusler, Weir, Winterbotham and Woollen—40.

Those who voted in the negative were: Senators Coffey, Traylor, Urmstan and Viehe—4.

The bill as amended was adopted.

Mr. Harris moved to take up the report of the conference committee on engrossed House Bill No. 158 and concur in the same.

The ayes and noes were demanded by Messrs. Traylor and Olds, which being ordered and taken resulted as follows:

Those who voted in the affirmative were: Senators Briscoe, Cadwallader, Coffey, Comstock, Davenport, Davis, Foster, Grubbs, Harris, Hefron, Kahlo, Leeper, Menzies, Mercer, Peterson, Poindexter, Ragan, Reeve, Reiley, Sarnighausen, Shaffer, Shirk, Smith, Taylor, Trusler, Urmstan, Viehe, Weir, Wilson, Wood and Woolleu—31.

Those who voted in the negative were: Senators Benz, Burrell, Dice, Donham, Fowler, Garrigus, Hart, Kramer, Moore, Olds, Streight, Tarlton, Traylor, Treat and Winterbotham—15.

The report was concurred in.

On motion of Mr. Hart engrossed House Bill No. 20 was taken up.

The Senate adjourned.

AFTERNOON SESSION.

MARCH 22, 1879.

The Senate reassembled at 2 o'clock P. M., Lieutenant-Governor Gray in the chair.

Mr. Hefron moved to lay Engrossed House Bill No. 20, pending at adjournment this morning, on the table.

Which was agreed to.

Mr. Fowler moved to take up House Concurrent Resolution No. 29 relative to the pay of the clerk of the House for indexing the Journal, etc.

Mr. Viehe moved, as an amendment, to take up Senate Bill No. 195, entitled "An act providing for the redemption of real estate," etc.

Which was agreed to.

Senate Bill No. 195 was read the second time with the majority report of the committee recommending its passage with amendments, and the minority report of the committee recommending its passage with amendments.

Mr. Dice moved that the bill lie on the table.

Which was rejected.

Mr. Reeve moved that the minority report be concurred in.

Which was rejected.

Leave of absence was asked and obtained for Mr. Peterson until next Monday.

Mr. Treat, from the special committee, to whom was referred Senate Joint Resolution No. 10 in relation to the property of State Geologist, submitted the following report:

MR. PRESIDENT:

Your committee appointed to inquire into the condition of the State Geological Cabinet and matters of business connected with the department of State Geologist, have performed that duty and beg leave to submit the following report accompanied by a statement from Prof. E. T. Cox, State Geologist, which was furnished at our request and refers to the subject matter of Senate Resolution No. 10.

Your committee find that Professor Cox has a cabinet, his own private property, described in the paper herewith submitted to you, which, together with the analytical apparatus and chemical re-agents provided by him for carrying forward the scientific work of the department, constitutes the principal display in the rooms of the department. This cabinet, together with the apparatus and re-agents above referred to are now offered for sale by Professor Cox, and it is but just to him to say that this property is independent of any of the property of this State under his control or belonging to his department.

Your committee find that the material composing the State Geological Cabinet is neither classified nor scientifically arranged, and to comply with requirements of amendments to Senate resolution No. 10, of the regular session of 1879, would require more time than can possibly be given to the work before the adjournment of this session of the General Assembly.

Your committee would suggest that the establishment of a "Board of Statistics," of which Geological Statistics shall be a part, as now proposed, will probably indicate a transfer of all State property now in the rooms of the State Geologist to the control of said Bureau of Statistics instead of the Board of Agriculture.

For further information on the subject matter referred to by Senate Resolution No. 10, we respectfully refer you to the accompanying statement and explanations therewith submitted by Prof. Cox, asking to be relieved from further consideration of this subject.

Which was placed on file without reading.

The following message was received from the House by the Clerk thereof:

MR. PRESIDENT:

I am directed by the Speaker of the House to inform the Senate that he has signed enrolled Senate Act No. 122.

Also, enrolled House Acts Nos. 671, 623, 168, 656 and 114.

And the same are herewith transmitted to the Senate for the signature of the President thereof.

Mr. Comstock offered the following amendment to the majority report of the committee:

Amend by inserting after the word "executor," in line 2, the following, to-wit:

"Or order of sale issued upon any judgment, decree or other judicial proceeding."

And by striking out all of said first section after the word "property," in the seventh line, and inserting the following, to-wit: "So sold may retain possession thereof, as tenant of the purchaser or holder of certificate of purchase, for one year after such sale, and in case the same shall not be redeemed within the year, as provided in this act, then such owner, and any person holding under him by virtue of any contract or lease made subsequent to the mortgage, or judgment or lien, under which the property is sold, shall be liable to such purchaser, his legal representatives or assigns, for the reasonable rents and profits of such real estate, to be recovered in the

proper action therefor, without any relief from valuation or appraisement laws; *Provided, however*, That if it be shown to the satisfaction of the court out of which issued the process under which the property was sold, or the judge thereof, that such owner is insolvent and unable to redeem the same, and that the rental value of the property for one year exceeds one hundred dollars, such court may, on application of the judgment plaintiff, or of such purchaser, and, after reasonable notice to the owner, require such owner to file an undertaking, with surety, to be approved by the court or the judge thereof, in vacation, conditioned for the payment of such rents and profits to the purchaser in case of non-redemption, and in default thereof, may appoint a receiver to take possession of the property and rent the same; and the rents thereof (less the necessary expense of the receivership) shall, in the event of redemption within the year, be paid to such owner, otherwise the same shall be paid to such purchaser or his assigns; *Provided further*, That if such owner or tenant so occupying the premises shall commit waste or do any act to deteriorate the value of the property, or suffer the property to be sold for taxes, or the taxes thereon to become or remain delinquent, he or they shall forfeit the right to possession, and the holder of the certificate may enter and take possession, and if such occupant resist he shall be liable as in case of forcible detainer."

The question being on the adoption of the amendment.

Mr. Comstock demanded a division of the question.

The question first being on the first part of the amendment.

It was rejected.

The question next being on the latter portion of the amendment.

It was also rejected.

Mr. Reeve offered the following amendment to the majority report:

Add to section 2: "Each person redeeming shall be subrogated to all the rights of the original judgment plaintiffs and each prior redemption from whom redemption is made, and may have execution or order of sale on the original judgment as if such original sale had not been made, and the judgment shall not be deemed satisfied by such original sale in case redemption be made by another lien-holder."

Which was rejected.

Mr. Comstock offered the following amendment to the majority report:

Amend section 2 by adding to said section the following, to-wit: "*Provided, however,* That in case of sales made on a judgment or decree of foreclosure of a mortgage or other lien, all lien-holders who were parties to the action and are included in the judgment, and who had actual notice of the time and place of sale for ten days or more before such sale, and in case of a sale made under one or more executions, all execution creditors who ordered the sale or who had actual notice thereof as aforesaid, shall be concluded by such sale, and shall have no right of redemption."

Mr. Reeve offered the following substitute:

Substitute after "sale," "by any lien holder who was made a party to the action in which the judgment was rendered."

Which was rejected.

The amendment of, Mr. Comstock was also rejected.

Mr. Briscoe offered the following amendment to the report:

Amend section 2 by striking out the words "twelve months," in lines 4 and 5, and insert the words "two years."

Which was rejected.

Mr. Menzies offered the following amendment:

Amend section 3 by inserting in line 18 after the word "case," the words "coming under the provisions of this act: *Provided,* Nothing herein contained shall apply to any mortgage or junior judgment creditor not made a party to the proceeding under which the property was sold."

Which was adopted.

Mr. Reeve offered the following amendment to the report:

Amend section 3 by adding after the word "liens," in line 14, "thirty days being allowed to each."

Mr. Harris demanded the previous question, which was taken by consent.

The question being on the amendment.

It was rejected.

The majority report of the committee was concurred in.

Mr. Harris moved that the bill as a whole as amended be adopted, and on that demanded the previous question.

Which was seconded by the Senate.

The question being on the motion to adopt the bill as a whole as amended.

It was agreed to.

Mr. Harris moved that the bill be considered as engrossed, read the third time now and put upon its passage.

Which was agreed to.

Senate Bill No. 195 was read the third time.

The question being, shall the bill pass?

The ayes and noes were ordered and taken, resulting as follows:

Those who voted in the affirmative were: Senators Benz, Briscoe, Cadwallader, Coffey, Comstock, Davenport, Davis, Dice, Donham, Foster, Fowler, Gurrigus, Grubbs, Harris, Hart, Hefron, Kahlo, Kramer, Langdon, Leeper, Major, Menzies, Mercer, Moore, Olds, Sarnighausen, Shaffer, Shirk, Smith, Taylor, Traylor, Treat, Trusler, Urmstan, Viehe, Weir, Winterbotham, Wood and Woollen—39.

Those who voted in the negative were: Senators Burrell, Reeve and Tarlton—3.

The bill passed.

The title of the bill was read.

Mr. Viehe offered the following amendment:

Amend the title so as to read as follows: "An act providing for the redemption of real property, or any interest thereon, sold on execution or decree of sale, and providing for deeds of conveyances in such cases."

Which was adopted.

The title as amended was adopted.

Mr. Hefron moved to take up Engrossed House Bill No. 444, entitled "An act relating to and defining warehousemen," etc.

Mr. Reeve moved to amend by taking up Engrossed House Bill No. 22.

Which was rejected.

Mr. Hefron moved to take up Engrossed House Bill No. 444.

Which was agreed to.

Engrossed House Bill No. 444 was read the first time.

Mr. Hefron moved that the constitutional rule be suspended, the bill read the second and third times and put upon its passage.

The question being on the suspension of the constitutional rule.

The ayes and noes were ordered and taken, resulting as follows:

Those who voted in the affirmative were: Senators Benz, Briscoe, Burrell, Cadwallader, Coffey, Comstock, Davenport, Davis, Dice, Donham, Foster, Garrigus, Grubbs, Harris, Hart, Hefron, Kahlo, Kent, Kramer, Langdon, Leeper, Major, Menzies, Mercer, Poindexter, Reiley, Shaffer, Shirk, Tarlton, Traylor, Treat, Urmstan, Wilson, Winterbotham, Wood and Woollen—36.

No one voting in the negative.

The constitutional rule was suspended.

Engrossed House Bill No. 444 was read the second time by title only and the third time by sections.

The question being, shall the bill pass?

The ayes and noes were ordered and taken, resulting as follows:

Those who voted in the affirmative were: Senators Benz, Briscoe, Burrell, Cadwallader, Coffey, Comstock, Davenport, Davis, Dice, Donham, Foster, Garrigus, Grubbs, Harris, Hart, Hefron, Kahlo, Kramer, Langdon, Leeper, Major, Menzies, Mercer, Olds, Poindexter, Reiley, Sarnighausen, Shaffer, Shirk, Smith, Tarlton, Traylor, Treat, Trusler, Urmstan, Viehe, Weir, Wilson, Winterbotham, Wood and Woollen—41.

Senator Reeve voting in the negative.

The bill passed.

The title of the bill was read and ordered by the Senate to stand approved as read.

On motion of Mr. Major engrossed House Bill No. 22, entitled "An act to provide for the exemption of property from sale on execution and attachment in certain cases," etc., was taken up and the report of the committee recommending its passage read.

The substitute for the report of the committee, offered by Mr. Reeve, was also read.

The Senate adjourned.

(Approved.)

ISAAC P. GRAY,
President of the Senate.

MONDAY MORNING.

MARCH 24, 1879.

The Senate met at 9 o'clock, A. M.

On motion of Mr. Viehe, Senator Burrell took the chair.

The Journal of Saturday was being read, when, on motion of Mr. Viehe, the further reading of the same was dispensed with.

Mr. Viehe moved that the order of business be suspended, and that House Bills on first reading be taken up.

Which was agreed to.

Engrossed House Bill No. 13, entitled "An act to amend sections 1 and 2 of an act entitled an act prescribing the manner of empanelling petit jurors, the number and compensation thereof, approved May 20, 1852," etc., was read the first time and referred to the committee on the judiciary.

Engrossed House Bill No. 32, entitled "An act in relation to prosecutions of felonies by affidavit and information in certain cases," etc., was read the first time and referred to the committee on the judiciary.

Engrossed House Bill No. 105, entitled "An act to regulate the practice of dentistry in the State of Indiana," was read the first time and referred to the committee on rights and privileges.

Engrossed House Bill No. 115, entitled "An act to amend section 1 of an act entitled an act for the protection of the Sabbath," etc., was read the first time and referred to the committee on corporations.

Engrossed House Bill No. 642, entitled "An act to legalize the incorporation of the town of Walton, and the election of officers therein," was read the first time and placed on the calendar.

Engrossed House Bill No. 120, entitled "An act concerning the evidence to be given by the defendant in actions for libel and slander," was read the first time and referred to the committee on the judiciary.

Engrossed House Bill No. 162, entitled "An act providing that in cases of assignment in trust for the benefit of creditors, persons performing labor within twelve months preceding such assignment shall be entitled to receive full amount of wages due them from trust funds," etc., was read the first time and referred to the committee on county and township business.

Engrossed House Bill No. 188, entitled "An act to regulate fire insurance companies," etc., was read the first time and referred to the committee on insurance.

Engrossed House Bill No. 173, entitled "An act authorizing justices of the peace to certify causes to the circuit or superior court in certain cases, to provide for the final determination thereof and declaring an emergency, was read the first time and referred to the committee on the organization of courts.

Engrossed House Bill No. 192, entitled "An act to legalize the incorporation of the town of Butler, DeKalb county, Indiana," etc., was read the first time and referred to the committee on corporations.

Engrossed House Bill No. 263, entitled "An act to amend an act entitled an act to amend section 1 of an act to provide for the protection of fish," etc., was read the first time and placed on the calendar.

Engrossed House Bill No. 202, entitled "An act authorizing incorporated towns to exact a license for the sale of spirituous, vinous and malt liquors within such town, and declaring an emergency," was read the first time and referred to the committee on temperance.

Engrossed House Bill No. 206, entitled "An act authorizing county commissioners to pay constables and marshals of incorporated towns certain expenses, and declaring an emergency," was read the first time and referred to the committee on county and township business.

Engrossed House Bill No. 207, entitled "An act prescribing the time and manner of electing supervisors, and other matters pertaining thereto, and repealing all laws in conflict therewith," was read the first time and referred to the committee on county and township business.

Engrossed House Bill No. 209, entitled "An Act to amend the fourth section of an act to authorize the formation of companies for the detection and apprehension of horse thieves and other felons,

and for mutual protection and repealing all laws inconsistent therewith," etc., was read the first time and referred to the committee on the judiciary.

Engrossed House Bill No. 225, entitled "A Bill to amend section 1 of an act entitled an act to prevent the spread of Canada thistles, prescribing penalties for suffering the same to mature upon cultivated farms and public highways," etc., was read the first time and referred to the committee on agriculture.

Engrossed House Bill No. 238, entitled "An act to amend section 647 of an act entitled an act to revise, simplify and abridge the rules, practice, pleadings and forms in civil actions," etc., was read the first time and referred to the committee on the judiciary.

Engrossed House Bill No. 273, entitled "An act prescribing the form of a deed that may be used by sheriffs and coroners in certain cases," was read the first time and referred to the committee on the judiciary.

Engrossed House Bill No. 264, entitled "An act to provide for the security and payment of laboring men and mechanics," was read the first time and referred to a special committee consisting of Messrs. Leeper, Harris and Hefron.

Engrossed House Bill No. 284, entitled "An act to enable the owners of lands to clear out and remove obstructions, ditches," etc., was read the first time and referred to the committee on swamp lands.

Engrossed House Bill No. 286, entitled "An act to amend section 1 of an act entitled an act to amend sections 4 and 6 of an act entitled an act prescribing the powers and duties of coroners," etc., was read the first time and referred to the committee on rights and privileges.

Engrossed House Bill No. 288, entitled "An act to regulate the charges of railroad companies for the transportation of and handling of wheat, corn, flour," etc., was read the first time and referred to the committee on railroads.

Engrossed House Bill No. 477, entitled "An act to define and punish the crimes of burglary and house-breaking," was read the first time and placed on the calendar.

Engrossed House Bill No. 290, entitled "An act to provide for the regulation of the running at large of all kinds of animals within

the different townships and parts of townships in the different counties of this State," was read the first time and referred to the committee on agriculture.

Engrossed House Bill No. 310, entitled "An act to allow sheriffs and constables having a State warrant to serve to follow the defendant into an adjoining county and make a legal arrest without hindrance," was read the first time and placed on the calendar.

Engrossed House Bill No. 351, entitled "An act to authorize justices of the peace to appoint persons to discharge duties in certain cases," etc., was read the first time and referred to the committee on the organization of courts.

Engrossed House Bill No. 367, entitled "An act to limit the number and increasing the jurisdiction of justices of the peace," was read the first time and referred to the committee on the judiciary.

Engrossed House Bill No. 373, entitled "An act to amend section 2 and to repeal section 14 of an act concerning enclosures, trespassing animals and partition fences," approved June 4, 1852, was read the first time and referred to the committee on agriculture.

Engrossed House Bill No. 368, entitled "An act for the relief of George N. Winchel, Hamilton J. Lenox, Marcus L. Marsh, David Langman, Byron H. James, Charles Mather, and declaring an emergency," was read the first time and placed on file for second reading.

Engrossed House Bill No. 608, entitled "An act for the relief of Aaron Combs and Byrd Combs, sureties for the bonds of Jefferson Oliphant, former trustee of Center township, Green county, Indiana," was read the first time and referred to the committee on county and township business.

Engrossed House Bill No. 397, entitled "An act to require petitioners praying for the location, vacation or change of any highway to give bond for costs in certain cases," etc., was read the first time and referred to the committee on roads.

Engrossed House Bill No. 414, entitled "An act providing for the relief of Patrick Hallegan," was read the first time and placed on the calendar for second reading.

Engrossed House Bill No. 412, entitled "A bill to amend section 397 of an act approved June 18, 1852, entitled an act to revise, simplify and abridge the rules, practice, pleadings and forms in civil

cases," etc., was read the first time and referred to the committee on the judiciary.

Engrossed House Bill No. 419, entitled "An act to legalize taxes for 1877 of the incorporation of the town of Elwood, Madison county, Indiana," was read the first time and referred to the committee on county and township business.

Engrossed House Bill No. 420, entitled "An act for the relief of Alexander Ingles and others," was read the first time and placed on the calendar for second reading.

Engrossed House Bill No. 436, entitled "An act to amend an act for the organization of county boards and prescribing some of their powers and duties," etc., was read the first time and referred to the committee on county and township business.

Engrossed House Bill No. 456, entitled "An act to require certain plank, macadamized and gravel road companies to whom was relinquished the right of the State in the so-called National or Cumberland road, to finish and complete and keep in repair their entire road," etc., was read the first time and referred to the committee on corporations.

Engrossed House Bill No. 467, entitled "A bill to amend section 18 of an act regulating descents and the apportionment of estates, approved May 14, 1852," was read the first time and placed on the calendar for second reading.

House Concurrent Resolution No. 29, relative to the pay of the Clerk and Assistant Clerk of the House for indexing the Journal, etc., was read.

Mr. Hefron offered the following amendment to the resolution:

Amend the resolution by adding that Daniel D. Dale, Principal Secretary and Charles W. Ward, Assistant Secretary of the Senate, be each allowed the sum of two hundred dollars for indexing the Journal of the Senate, reading proof, etc.

Mr. Harris moved to refer the resolution to the committee on finance.

Which was agreed to.

Engrossed House Bill No. 469, entitled "An act to prohibit the sale of county orders, and prescribing penalties for violation of the same," was read the first time and referred to the committee on county and township business.

Engrossed House Bill No. 473, entitled "An act to legalize errors and imperfections of description of macadamized and gravel roads in articles of association of turnpike companies," etc., was read the first time and referred to the committee on roads.

Engrossed House Bill No. 482, entitled "An act prescribing what kind of judgment shall be rendered in civil actions to recover the value of or injury done to trees or saplings, defining the duties of courts in such action, and to repeal all laws or parts of laws in conflict herewith, and declaring an emergency," was read the first time and referred to the committee on rights and privileges.

Engrossed House Bill No. 487, entitled "An act for the vacation of public squares in certain cases," etc., was read the first time and referred to a special committee consisting of Messrs. Olds, Harris and Hefron.

Engrossed House Bill No. 488, entitled "An act to amend section 569 of an act entitled an act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases," etc., was read the first time and referred to the committee on the judiciary.

Engrossed House Bill No. 509, entitled "An act to provide for the redemption of property of foreign corporations," etc., was read the first time and referred to the committee on the judiciary.

Engrossed House Bill No. 529, entitled "An act to provide for the reappraisement and sale of lands forfeited to the various school funds in this state," etc., was read the first time and referred to the committee on the judiciary.

Engrossed House Bill No. 530, entitled "An act to prevent the sale of spirituous, vinous and malt liquors on fair grounds," was read the first time and placed on the calendar for second reading.

Engrossed House Bill No. 540, entitled "An act to amend section 18 of an act entitled an act to provide for the opening, vacating and change of highways, approved June 17, 1852," was read a first time and referred to the committee on roads.

Engrossed House Bill No. 549, entitled "An act to amend an act entitled an act to provide for the more speedy trial of causes, and to facilitate the transaction of business in courts," etc., was read the first time and placed on the calendar for second reading.

Engrossed House Bill No. 565, entitled "An act limiting taxation in incorporated towns in this State having less than twenty-five free-

holders residing therein," was read the first time and placed on the calendar for second reading.

Engrossed House Bill No. 383, entitled an act to legalize the incorporation of the Kokomo Gas Light Company, Howard county, Indiana," etc., was read the first time and placed on the calendar for second reading.

Engrossed House Bill No. 203, entitled "An act to enable cities incorporated under the general laws of this State to aid in the construction of railroads," etc., was read the first time and referred to the committee on the judiciary.

Engrossed House Bill No. 532, entitled "An act to amend section 3 of an act entitled an act to render taxation for common school purposes uniform, and to provide for the education of the colored children of the State," etc., was read a first time and referred to the committee on education, with instructions that the committee report on the same to-morrow morning.

Engrossed House Bill No. 568, entitled "An act supplemental to an act providing for a general system of common schools in all cities of 30,000 or more inhabitants," etc., was read the first time and referred to the committee on finance.

Engrossed House Bill No. 583, entitled "An act authorizing incorporated towns to light their streets with gas in certain cases," was read the first time and referred to the committee on finance.

Engrossed House Bill No. 585, entitled "An act to vacate and sell a portion of the public square in the town of Fremont, Steuben county, Indiana," was read the first time and placed on the calendar for second reading.

Engrossed House Bill No. 587, entitled "An act to repeal an act approved March 3, 1877, entitled an act to amend section 7 of an act entitled an act for the incorporation and continuance of building, loan, fund and savings associations," etc., was read the first time and referred to the committee on corporations.

Engrossed House Bill No. 591, entitled "An act to amend section 8 of an act regulating the granting of divorces, nullification of marriages," etc., was read the first time and referred to the committee on the judiciary.

Engrossed House Bill No. 621, entitled "An act to legalize the assessment and levy of taxes made by the common council of Ken-

dallville for general city purposes," etc., was read the first time and referred to the committee on county and township business.

Engrossed House Bill No. 625, entitled "An act to amend the first and second sections of an act entitled an act giving the employees of corporations a lien for their work and labor upon the corporate property of such corporations and the earnings thereof, together with the mode of enforcing same, and repealing all laws in conflict therewith, approved March 13, 1877," was read the first time and referred to the committee on corporations.

Engrossed House Bill No. 630, entitled "An act regulating the presentation of claims against counties," etc., was read the first time and referred to the committee on county and township business.

Engrossed House Bill No. 675, entitled "An act to amend section 14 of an act entitled an act defining felonies and prescribing punishments therefor," approved June 10, 1852, was read the first time and referred to the committee on the judiciary.

Engrossed House Bill No. 676, entitled "An act to amend section 8 of an act supplementary and amendatory of an act entitled an act to provide for a uniform assessment of property, and for the collection and return of taxes thereon, approved December 21, 1872, approved March 8, 1873," was read the first time and referred to the committee on insurance.

Engrossed House Bill No. 683, entitled "An act to provide for the prompt publication of the acts of the General Assembly and declaring an emergency," was read a first time and referred to the committee on printing.

Engrossed House Bill No. 686, entitled "A bill for an act to amend section 3 of an act entitled an act to incorporate the town of Vernon, Jennings county, Indiana," was read the first time and referred to the committee on county and township business.

Engrossed House Bill No. 295, entitled "An act providing for a Metropolitan Police in all cities of 45,000 inhabitants," etc., was read the first time.

Mr. Harris moved that the bill be indefinitely postponed.

Which was agreed to.

Engrossed House Bill No. 687, entitled "An act to authorize a loan to pay off the temporary debt heretofore incurred," was read the first time and referred to the committee on claims.

Engrossed House Bill No. 331, entitled "An act to limit taxation by township trustees, defining certain duties of said officials, and prescribing punishment for the violations of this act," was read the first time and referred to the committee on education.

Engrossed House Bill No 658, entitled "An act to amend an act entitled an act authorizing insurance companies to re-insure their risks and close up their business," etc., was read the first time and placed on the calender for second reading.

Engrossed House Bill No. 605, entitled "An act to provide for the punishment of persons guilty of giving certificates of false weights and measures of coal, corn, wheat and hay, or any other commodity sold by weight, and prescribing the penalty therefor," was read a first time and referred to the committee on the organization of courts.

Engrossed House Bill No. 464, entitled "A bill to amend the second and third sections of an act entitled an act defining who are persons of unsound mind and authorizing the appointment of guardians for such persons, prescribing their powers and duties," was read the first time and referred to the committee on the judiciary.

Engrossed House Bill No. 442, entitled "An act to amend an act entitled an act to provide for a general system of common schools, the officers thereof, and their respective powers and duties and matters properly connected therewith, and prescribing the fees for certain officers therein named, and for the establishment and regulation of township libraries, and to repeal all laws inconsistent therewith, providing penalties therein prescribed, approved March 6, 1865," was read the first time and referred to the committee on education.

Engrossed House Bill No. 471, entitled "An act to enable the owners of wet lands to drain and reclaim them when the same can not be done without affecting the lands of others, prescribing the powers and duties of county boards and auditors in the premises, and repealing all laws in conflict herewith," was read the first time and referred to the committee on swamp lands.

The following message was received from the House by the Clerk thereof:

MR. PRESIDENT:

I am directed by the Speaker of the House to inform the Senate that the House has concurred in the report of the conference com-

, mittee upon Senate Bill No. 158, entitled "An act relating to married women."

And said information is respectfully transmitted to the Senate.

Engrossed House Bill No. 668, entitled "An act to establish a board of pardons, and defining certain powers and duties thereof," was read the first time and referred to the committee on the judiciary.

Engrossed House Bill No. 107, entitled "An act to amend section 70 of an act entitled an act providing for the election and qualification of justices of the peace, and defining their jurisdiction, powers, and duties in civil cases, approved June 9, 1852," was read a first time and referred to the committee on the organization of courts.

Engrossed House Bill No. 506, entitled "An act regulating loans of congressional township school funds, so as to prevent county officers from taking separate mortgages for each fund, where the sum loaned is made up of funds of more than one township," was read the first time and referred to the committee on the judiciary.

Engrossed House Bill No. 154, entitled "An act to enable the owners of wet lands to drain and reclaim their said lands, where the same can not be done without affecting the lands of other persons, prescribing the powers and duties of county commissioners and other county officials in the premises, providing for the repair of such drain, and repealing certain acts therein referred to," was read the first time and referred to the committee on swamp lands.

House Concurrent Resolution No. 38, authorizing Dr. Wm. H. Hester to appear before the committee appointed to investigate the Hospital for the Insane, and cross examine all witnesses testifying adversely as to his conduct as assistant physician of said institution, was read and adopted.

House Concurrent Resolution No. 39, providing for a commission in regard to an insurance law for the State of Indiana, was read.

Mr. Reeve offered the following amendment:

Insert after the word "Governor," in line 4: "Who shall be the local manager of some first class foreign insurance company, resident in and a citizen of this State.

Which was rejected.

House Concurrent Resolution No. 39 was then adopted.

House Concurrent Resolution No. 36, instructing our Senators and requesting our Representatives in Congress to use their efforts

to amend the national banking law in relation to the jurisdiction of the courts over controversies between banking associations located in any state or territory, etc., was read and adopted.

House Concurrent Resolution No. 37, relative to the amount, if any, that the State should pay to Marion county for the use of gas, water, heating, carpets, etc., used by the General Assembly at the regular and special sessions, was read and adopted.

In accordance with the resolution the chair appointed the finance committee of the Senate on the part of the Senate.

Mr. Reeve introduced Senate Bill No. 458, entitled "An act to provide for a revision of the laws of the State of Indiana, and the printing and binding thereof and matters connected with the subject matter," was read the first time and referred to the committee on the judiciary, with instructions to report to-morrow morning.

Mr. Comstock moved to take up Senate bills on second reading.

Mr. Kent moved to amend by taking up House bills on second reading.

Mr. Hefron moved as a substitute for the motion and amendment to take up engrossed House Bill No. 22.

On motion by Mr. Reeve the motion, amendment and substitute were laid on the table.

On motion of Mr. Trusler, Engrossed House Bill No. 589, "An act entitled an act to authorize the township trustee of Union township, Union county, Indiana, or his successor in office, to pay certain indebtedness incurred by the former trustee of said township," was read the first time.

Mr. Harris, from the committee on the judiciary, reported Senate Bill No. 324, entitled "An act to amend section 244 of the practice act."

Also, Senate Bill No. 252, entitled "An act to amend section 2 of an act defining certain misdemeanors."

Also, Senate Bill No. 114, entitled "An act concerning homestead exemption," with the report of the committee recommending that each of said bills lie on the table.

Which were placed on file without reading.

Mr. Harris, from the committee on the judiciary, reported Senate Bill No. 234, entitled "An act to amend section 124 of the practice

act," with the report of the committee recommending that the bill lie on the table.

Which was placed on file without reading.

Mr. Harris, from the committee on the judiciary, reported Senate Bill No. 226, entitled "An act to amend section 159 of the civil code," with the report of the committee recommending that the bill lie on the table.

Which was placed on file without reading.

Mr. Harris, from the committee on the judiciary, reported engrossed House Bill No. 496, entitled "An act concerning decedents' estates," with the report of the committee recommending that it lie upon the table.

Which was placed on file without reading.

Mr. Harris from the committee on the judiciary, reported a communication from the Governor in reference to filling vacancies in offices, etc., with the report of the committee recommending that it lie upon the table.

Which was placed on file without reading.

Mr. Harris, from the committee on the judiciary, reported Engrossed House Bill No. 390, entitled "An act to legalize the election of each person who was declared elected to the office of township trustee at the April election of 1878," with a majority report of the committee recommending its passage; also, a minority report of the committee dissenting therefrom.

Mr. Leeper asked and obtained leave to withdraw Senate Bills Nos. 272, 265 and 257.

Mr. Benz introduced a joint resolution, entitled "A joint resolution touching the Morgan raid claims and the possession of the same, and the withdrawal of said claims," etc., which was read the first time and passed to a second reading.

The following message was received from the House by the Clerk thereof:

MR. PRESIDENT:

I am directed by the Speaker of the House to inform the Senate that the House has passed Engrossed House Bill No. 589, entitled "An act authorizing the township trustee of Union township, Union county, Indiana, to pay certain debts," etc.

And the same is herewith transmitted to the Senate for its action thereon.

The Senate resumed consideration of Senate Bill No. 22, pending at the adjournment Saturday evening.

The question being on the substitute offered by Mr. Reeve for the report of the committee.

Mr. Harris offered a substitute for the report of the committee and the original bill, embracing new matter.

The following message was received from the House by the Clerk thereof:

MR. PRESIDENT:

I am directed by the Speaker of the House to inform the Senate that he has signed House Enrolled Act No. 444.

And the same is herewith transmitted to the Senate for the signature of the President thereof.

The Senate adjourned.

AFTERNOON SESSION.

MARCH 24, 1879.

The Senate met at 2 o'clock P. M., Lieutenant-Governor Gray in the chair.

The following message was received from the House by the Clerk thereof:

MR. PRESIDENT:

I am directed by the Speaker of the House to inform the Senate that the House has passed engrossed Senate bill No. 18, entitled "An act to declare all canal land patents issued by the trustees of the Wabash and Erie Canal to be evidence of title," etc., with the following amendments, to-wit:

Amend section 2 by adding the following thereto: *Provided*, That nothing in this act contained shall be so construed as to in any wise affect the rights of any purchaser in good faith for a valuable consideration, without actual notice, or the rights of any owner of any portion of the class of lands described in this act.

And said bill and amendments are herewith transmitted to the Senate.

Mr. Wood moved that the engrossed House amendments to engrossed Senate bill No. 18, entitled "An act concerning canal patents," be taken up and concurred in.

Which was agreed to, and the House amendments to the bill were concurred in.

The following message was received from the House by the Clerk thereof:

MR. PRESIDENT:

I am directed by the Speaker of the House to inform the Senate that the House has passed engrossed House Bill No. 527, entitled "A bill for an act for the relief of John W. Starner, administrator of the estate of Thomas F. Chambers, deceased, Daniel P. Hollingsworth, John W. Robbins and Herman H. Wagner, and declaring an emergency," and the same is herewith transmitted to the Senate for its action thereon.

Mr. Kramer offered the following concurrent resolution:

WHEREAS, An act was passed at the regular session of the Fifty-first General Assembly which materially affects incorporated towns in this State; and

WHEREAS, Said act contains an emergency clause, and is, therefore, the law; and

WHEREAS, The acts of the regular and special sessions will not be published before the last of June; therefore be it

Resolved by the Senate (the House of Representatives concurring therein), That the Secretary of State be and the same is hereby required to have a sufficient number of said acts printed, known as Senate Bill No. 80, and that he shall mail five copies of said act to each and every county clerk in the State, with instructions to distribute the same to authorities in towns.

Mr. Benz moved to lay the resolution on the table.

Which was agreed to.

The following message was received from the House by the Clerk thereof:

MR. PRESIDENT:

I am directed by the Speaker of the House of Representatives to inform the Senate that the House has concurred in amendments of the Senate to Engrossed House Bill No. 640, as follows:

Amendment Nos. 2, 3, 5, 7, 8, 9, 10, 12, 18, 19, 20½ and 21.

And that the House has refused to concur in Senate amendments Nos. 1, 4, 6, 13, 15, 16, 17, 20, 22, 23, 24, 26 and 27.

And have amended Senate amendments Nos. 11 and 14.

Said information is respectfully transmitted to the Senate for its action thereon.

The Senate resumed consideration of Senate Bill No. 22.

Mr. Kent moved that the substitute offered by Mr. Harris be indefinitely postponed.

The ayes and noes were demanded by Messrs. Harris and Langdon, which being ordered and taken, resulted as follows:

Those who voted in the affirmative were: Senators Benz, Briscoe, Donham, Foster, Garrigus, Hart, Hefron, Kent, Major, Tarlton, Traylor, Urmstan, Viehe, Weir, Wilson, Winterbotham and Wood—17.

Those who voted in the negative were: Senators Burrell, Cadwallader, Comstock, Davenport, Davis, Dice, Grubbs, Harris, Kahlo, Kramer, Langdon, Leeper, Mercer, Moore, Poindexter, Ragan, Reeve, Sarnighausen, Shirk, Smith, Streight, Taylor, Treat and Trusler—24.

The motion to indefinitely postpone was rejected.

The question being on the adoption of the substitute.

Mr. Reeve offered the following amendment:

Amend section 4 by adding: "*Provided*, No sale shall affect the inchoate interest of the wife of the judgment defendant."

Which was adopted by unanimous consent.

The question being on the adoption of the substitute as amended.

The ayes and noes were demanded by Messrs. Harris and Kahlo, which being ordered and taken, resulted as follows:

Those who voted in the affirmative were: Senators Cadwallader, Comstock, Davenport, Davis, Dice, Foster, Garrigus, Grubbs, Harris, Hefron, Kahlo, Langdon, Leeper, Mercer, Moore, Olds, Poindexter, Ragan, Shaffer, Shirk, Smith, Streight, Taylor, Treat, Trusler, Weir and Wilson—27.

Those who voted in the negative were: Senators Benz, Briscoe, Burrell, Coffey, Donham, Hart, Kent, Major, Reeve, Sarnighausen, Tarlton, Traylor, Urmstan, Viehe and Winterbotham—15.

The substitute as amended was adopted.

Mr. Reeve submitted the following protest:

MR. PRESIDENT:

I protest against the passage of this bill as being class legislation and in violation of the intention of the constitution; and protesting further that no exemption except of specific property was or is contemplated by the constitution, and therefore vote no, and ask that my protest be placed on the Journal.

The bill was then read the third time.

Mr. Kent moved to refer the bill to a select committee of three.

Mr. Dice moved to amend by making such committee to consist of Messrs. Kent, Viehe and Harris.

Mr. Harris moved to lay the motion of Mr. Dice on the table.

The ayes and noes were demanded by Messrs. Foster and Langdon, which being ordered and taken, resulted as follows:

Those who voted in the affirmative were: Senators Briscoe, Burrell, Cadwallader, Comstock, Davenport, Davis, Garrigus, Harris, Kahlo, Langdon, Leeper, Mercer, Moore, Olds, Poindexter, Ragan, Shaffer, Shirk, Smith, Streight, Taylor, Traylor, Trusler, Viehe, Weir and Wilson—27.

Those who voted in the negative were: Senators Benz, Coffey, Dice, Donham, Foster, Hart, Hefron, Kent, Kramer, Major, Menzies, Reeve, Reiley, Sarnighausen, Tarlton, Treat, Urmstan, Winterbotham and Wood—19.

The motion to lay on the table was agreed to.

The question recurring on the motion to refer to a select committee of three, Mr. Harris moved to lay it on the table.

The ayes and noes were demanded by Messrs. Foster and Langdon, which being ordered and taken, resulted as follows:

Those who voted in the affirmative were: Senators Cadwallader, Comstock, Davenport, Davis, Dice, Garrigus, Grubbs, Harris, Kahlo, Langdon, Mercer, Moore, Olds, Poindexter, Ragan, Reiley, Shaffer, Shirk, Smith, Streight, Taylor, Traylor, Treat, Trusler, Viehe, Weir, Wilson and Wood—28.

Those who voted in the negative were: Senators Benz, Briscoe, Burrell, Coffey, Donham, Foster, Hart, Hefron, Kent, Kramer, Major, Menzies, Reeve, Sarnighausen, Tarlton, Urmstan and Winterbotham—17.

The motion was agreed to.

The question being, shall the bill pass?

The ayes and noes were ordered and taken, resulting as follows:

Those who voted in the affirmative were: Senators Briscoe, Cadwallader, Coffey, Comstock, Davenport, Davis, Dice, Foster, Garrigus, Grubbs, Harris, Kahlo, Langdon, Leeper, Mercer, Moore, Olds, Poindexter, Ragan, Shaffer, Shirk, Smith, Taylor, Treat, Trusler, Weir and Wilson—27.

Those who voted in the negative were: Senators Benz, Burrell, Donham, Hart, Hefron, Kent, Major, Menzies, Reeve, Reiley, Streight, Tarlton, Traylor, Urmstan, Viehe, Winterbotham and Wood—17.

The bill passed.

Mr. Harris offered the following amendment to the title:

“An act providing for a homestead and exempting the same from sale, and other matters properly connected therewith.”

Which was adopted.

Mr. Reeve moved to take up House bills on second reading.

Which was adopted.

Mr. Langdon moved to take Engrossed House Bill No. 20, entitled “An act creating a State bureau of statistics,” etc., from the table and place it on the files.

Which was agreed to.

Engrossed House Bill No. 5, entitled “An act to amend section 1 of an act entitled an act regulating the number of grand jurors,” etc., was read the second time, with the majority report of the committee recommending its passage, and the minority report of the committee recommending its indefinite postponement.

The minority report of the committee was concurred in.

The following message was received from the House by the Clerk thereof:

MR. PRESIDENT:

I am directed by the Speaker of the House to inform the Senate that the House has passed Engrossed House Bill No. 685, entitled “An act to legalize certain acts of the board of trustees of the town of Elliottsville, Monroe county, Indiana.

Also, that the House has adopted Senate Concurrent Resolution No. 43, with the following amendments:

Strike out all after the word “concurring” and insert the following: “That the General Assembly will adjourn *sine die* on Mon-

day, the 31st day of March, 1879, at 12 o'clock noon; *Provided*, That the specific appropriation bill be passed, and a fee and salary bill be enacted substantially reducing the fees and salaries of public officers."

And the same are herewith transmitted to the Senate.

Engrossed House Bill No. 11, entitled "An act to amend the act of March 3, 1877, authorizing boards of county commissioners to construct gravel roads," etc., was read the second time with the report of the committee recommending its passage.

Which was concurred in.

The following message was received from the House by the Clerk thereof:

MR. PRESIDENT:

I am directed by the Speaker of the House to inform the Senate that he has signed enrolled Senate Acts Nos. 18, 103 and 158.

Also, that the House has passed Engrossed House Bill No. 476, entitled "An act to punish the embezzlement of railroad tickets."

Also, Engrossed House Bill No. 457, entitled "An act to amend section 66 of an act entitled an act to divide the State into circuits for judicial purposes, fixing the time of holding courts therein," etc.

And the same are herewith transmitted to the Senate.

Engrossed House Bill No. 17, entitled "An act to repeal an act to authorize aid to the construction of railroads by counties and townships, taking stock in and making donations to railroad companies," etc., was read the second time with the majority report of the committee recommending its indefinite postponement, and the minority report of the committee recommending that the bill be so amended as not to apply to companies organized but not yet completed, and when so amended recommending its passage.

Mr. Burrell moved to lay the bill and reports on the table.

The ayes and noes were demanded by Messrs. Winterbotham and Langdon, which being ordered and taken, resulted as follows:

Those who voted in the affirmative were: Senators Briscoe, Burrell, Coffey, Dice, Donham, Garrigus, Hefron, Kahlo, Kent, Kramer, Major, Moore, Reiley, Shaffer, Taylor, Traylor, Weir and Wood—18.

Those who voted in the negative were: Senators Benz, Comstock, Foster, Grubbs, Harris, Hart, Langdon, Menzies, Mercer, Olds,

Ragan, Reeve, Sarnighausen, Shirk, Smith, Streight, Tarlton, Treat, Trusler, Urmstan and Winterbotham—21.

The motion to lay on the table was rejected.

Mr. Reeve offered the following amendment to the minority report:

“Provided further, That the repeal of said law shall not affect counties or townships in or through which railroads have been projected and are now being located or constructed; but no such counties or townships’ aid may be voted, collected and paid under the law as it now is, as if this act had not been passed, but in no other.”

Mr. Foster moved that debate cease.

Which was agreed to.

Mr. Langdon moved to refer the bill, reports and amendment to the committee on the judiciary with instructions to amend the bill as recommended in the minority report, and to report the same back to-morrow morning.

Which was agreed to.

The chair announced as the conference committee on the part of the Senate on the specific appropriation bill, Senators Cadwallader and Leeper.

The chair further announced as the conference committee on the part of the Senate on the fee and salary bill, Senators Kent and Moore.

Mr. Burrell moved to take up engrossed Senate Bill No. 427, entitled “An act to amend sections 1 and 2 of an act entitled an act regulating public ware-houses, inspecting and mixing grains,” etc.

Which was agreed to.

Engrossed Senate Bill No. 427 was read the third time.

The question being, shall the bill pass?

The ayes and noes being ordered and taken, resulted as follows:

Those who voted in the affirmative were: Senators Benz, Briscoe, Burrell, Cadwallader, Coffey, Comstock, Davenport, Davis, Donham, Grubbs, Harris, Hefron, Kahlo, Kent, Kramer, Langdon, Leeper, Menzies, Mercer, Moore, Olds, Poindexter, Ragan, Reiley, Sarnighausen, Shaffer, Smith, Streight, Tarlton, Traylor, Urmstan, Viehe, Wilson, Winterbotham and Wood—35.

Those who voted in the negative were: Senators Dice, Foster, Garrigus, Reeve, Taylor, Treat and Trusler—7.

The bill passed.

The title was then read and ordered by the Senate to stand approved as read.

The following message was received from the House by the Clerk thereof:

MR. PRESIDENT:

I am directed by the Speaker of the House to inform the Senate that he has appointed as a conference committee on House Bill No. 640, Messrs. Humphreys and Overmyer.

Also, that the House has passed engrossed House Bill No. 631, entitled "A bill to legalize sales of real estate by sheriffs in certain cases, and declaring an emergency."

And the same are herewith transmitted to the Senate.

The following message was received from the House by the Clerk thereof:

MR. PRESIDENT:

I am directed by the Speaker of the House to inform the Senate that the House has refused to concur in the Senate amendments to engrossed House Bill No. 344, and respectfully request that a committee of conference be appointed, and has appointed as such committee on the part of the House, Messrs. Dalton and March.

Mr. Coffey, from the committee on enrolled bills, submitted the following report:

MR. PRESIDENT:

Your joint committee on enrolled bills have examined enrolled Senate Bills Nos. 18, 158 and 103, and find them to be correctly enrolled.

The following message was received from the House by the Clerk thereof:

MR. PRESIDENT:

I am directed by the Speaker to inform the Senate that the House has ordered the Senate message on House Bill No. 344 and the bill itself to be returned to the Senate, with the request that the Senate inform the House without delay in what manner the bill of the House, No. 344, has been amended by the Senate, and to engross such amendments as they have adopted to said bill and transmit them to the House without delay.

The Senate adjourned.

(Approved.)

ISAAC P. GRAY,
President of the Senate.

TUESDAY MORNING.

MARCH 25, 1879.

The Senate met at 9 o'clock A. M., Lieutenant-Governor Gray in the chair.

The Journal of yesterday was being read, when, on motion of Mr. Traylor, the further reading was dispensed with.

Mr. Leeper, from the special committee to whom was referred Engrossed House Bill No. 264, entitled "An act to provide for the security and payment of laborers and mechanics, reported the same back, with certain amendments, and when so amended recommending its passage, was read the second time.

The bill, together with the report of the committee, was concurred in.

Mr. Leeper moved that the constitutional rule be suspended, the bill be considered as engrossed, read the third time, and put upon its passage.

The question being on the suspension of the constitutional rule. The ayes and noes were ordered and taken, resulting as follows:

Those who voted in the affirmative were: Senators Benz, Briscoe, Burrell, Cadwallader, Comstock, Davenport, Davis, Donham, Foster, Fowler, Garrigus, Grubbs, Harris, Hart, Hefron, Kahlo, Kent, Kramer, Langdon, Leeper, Major, Mercer, Moore, Peterson, Ragan, Reiley, Sarnighausen, Shaffer, Smith, Tarlton, Taylor, Traylor, Trusler, Urmstan, Viehe, Weir, Winterbotham, Wood and Woollen—39.

Those who voted in the negative were: Senators Dice, Olds and Wilson—3.

The constitutional rule was suspended.

Engrossed House Bill No. 264 was read the third time.

The question being, shall the bill pass?

The ayes and noes were ordered and taken, resulting as follows:

Those who voted in the affirmative were: Senators Benz, Briscoe, Cadwallader, Coffey, Comstock, Davenport, Davis, Dice, Donham,

Fowler, Garrigus, Grubbs, Harris, Hart, Hefron, Kahlo, Kent, Kramer, Langdon, Leeper, Major, Menzies, Mercer, Moore, Olds, Peterson, Poindexter, Ragan, Reiley, Sarnighausen, Shaffer, Smith, Streight, Tarlton, Taylor, Traylor, Treat, Trusler, Urmstan, Viehe, Weir, Wilson, Winterbotham, Wood and Woollen—45.

No one voting in the negative.

The bill passed.

The title of the bill was read and ordered by the Senate to stand approved as read.

Mr. Langdon moved that the House be requested to return to the Senate Engrossed House Bill No. 640, on the subject of fees and salaries.

The ayes and noes were demanded by Messrs. Wilson and Langdon, which being ordered and taken, resulted as follows:

Those who voted in the affirmative were: Senators Dice, Garrigus, Grubbs, Langdon, Mercer, Moore, Olds, Poindexter, Ragan, Reeve, Shaffer, Shirk, Streight, Taylor, Treat, Trusler, Weir and Wilson—18.

Those who voted in the negative were: Senators Briscoe, Burrell, Coffey, Comstock, Davenport, Davis, Donham, Foster, Fowler, Hart, Hefron, Kahlo, Kent, Kramer, Leeper, Major, Menzies, Peterson, Reiley, Sarnighausen, Smith, Tarlton, Traylor, Urmstan, Viehe, Winterbotham, Wood and Woollen—28.

The motion was rejected.

Mr. Kramer, from the committee on county and township business, reported engrossed House bill No. 608, entitled "An act for the relief of Aaron Combs," *et al.*, with the report of the committee recommending its passage.

Which was placed on file without reading.

Mr. Viehe moved that the committees be called in regular order, for the purpose of making reports.

Which was agreed to.

Mr. Winterbotham, from the committee on finance, reported engrossed House bill No. 583, entitled "An act to authorize towns to light their streets with gas," etc., with the report of the committee recommending its passage.

Which was placed on file without reading.

Mr. Urmstan, from the committee on finance, reported House concurrent resolution No. 29, allowing to the clerk and assistant

clerk of the House \$200 each for indexing the Journal, reading proof, etc., with the Senate amendments thereto, with the report of the committee.

Which was placed on file without reading.

Mr. Reeve, from the committee on the judiciary, reported Senate bill No. 458, entitled "An act to provide for revision and publication of the statute laws of Indiana, with the report of the committee suggesting certain amendments, and, when so amended, recommending that the bill do pass.

Which was placed on file without reading.

Mr. Reeve, from the committee on the judiciary, reported Engrossed House Bill No. 17, entitled "An act repealing an act authorizing aid to railroads," with a report of the committee suggesting certain amendments, and when so amended recommending that the bill do pass.

Which was placed on file without reading.

Mr. Viehe, from the committee on the judiciary, reported Engrossed House Bill No. 32, entitled "An act in relation to the prosecution of felonies," with the report of the committee recommending its passage.

Which was placed on file without reading.

Mr. Viehe, from the committee on the judiciary, reported Engrossed House Bill N. 668, entitled "An act to establish a board of pardons," with the report of the committee suggesting certain amendments and when so amended that the bill do pass.

Which was placed on file without reading.

Mr. Viehe, from the committee on the judiciary, reported Senate Bill No. 441, entitled "An act to amend section 1 of an act entitled an act supplemental to an act entitled an act for the incorporation of mining and manufacturing companies," with the report of the committee recommending its passage.

Which was placed on file without reading.

Mr. Viehe, from the committee on the judiciary, reported Senate Bill No. 64, entitled "An act to amend an act concerning frauds and perjuries," with the report of the committee recommending that it be indefinitely postponed.

Which was placed on file without reading.

Mr. Viehe, from the committee on the judiciary, reported Senate Bill No. 182, entitled "An act concerning real estate," with the

report of the committee recommending that the bill lie on the table.

Which was placed on file without reading.

Mr. Burrell, from the committee on the judiciary, reported a memorial of the Western Yearly Meeting of Friends, praying for the abolition of capital punishment, with the report of the committee recommending that it lie upon the table.

Which was placed on file without reading.

Mr. Comstock, from the committee on the judiciary, reported En-grossed House Bill No. 13, entitled "An act reducing the number of petit jurors," etc., with the report of the committee recommending its indefinite postponement.

Which was placed on file without reading.

Mr. Comstock, from the committee on the judiciary, reported En-grossed House Bill No. 529, entitled "An act for the reappraisement of forfeited school funds," etc., with the report of the committee recommending its passage.

Which was placed on file without reading.

Mr. Harris, from the committee on the judiciary, reported en-grossed House Bill No. 464, entitled "An act amending sections 2 and 3 of an act defining who are persons of unsound mind," etc., with the report of the committee recommending that it lie upon the table.

Which was placed on file without reading.

Mr. Harris, from the committee on the judiciary, reported en-grossed House Bill No. 675, entitled "An act amending section 14 of an act defining felonies," etc., with the report of the committee recommending that it lie upon the table.

Which was placed on file without reading.

Mr. Harris, from the committee on the judiciary, reported a communication from the Secretary of State in the matter of Catharine Christian, of Southport, Marion county, Indiana, with the recommendation that a joint resolution authorizing the Governor and Secretary of State to release unto said Catharine Christian all the right, title and interest of the State of Indiana in and to the parcel of real estate held and owned by her in Southport, Marion county, Indiana, be adopted.

The report of the committee embracing said joint resolution was read.

The question being on the adoption of the resolution.

The ayes and noes were ordered and taken, resulting as follows:

Those who voted in the affirmative were: Senators Briscoe, Burrell, Coffey, Comstock, Davenport, Davis, Dice, Donham, Foster, Fowler, Garrigus, Grubbs, Harris, Hart, Hebron, Kahlo, Kramer, Leeper, Major, Menzies, Mercer, Olds, Peterson, Poindexter, Ragan, Reiley, Sarnighausen, Shaffer, Shirk, Smith, Streight, Tarlton, Taylor, Traylor, Treat, Trusler, Urmstan, Viehe, Weir, Winterbotham, Wood and Woollen—42.

Those who voted in the negative were: Senators Benz and Wilson—2.

The joint resolution passed.

Mr. Viehe, from the committee on the organization of courts, reported Engrossed House Bill No. 173, entitled "An act authorizing justices of the peace to certify causes to circuit courts," with the report of the committee suggesting certain amendments, and when so amended recommending that the bill do pass.

Which was placed on file without reading.

Mr. Grubbs, from the committee on the organization of courts, reported Engrossed House Bill No. 351, with the report of the committee recommending that the bill lie on the table.

Which was placed on file without reading.

Mr. Wood, from the committee on the organization of courts, reported Engrossed House Bill No. 107, entitled "An act to amend section 70 of an act providing for the election and qualification of justices of the peace," etc., with the report of the committee recommending that it do pass.

Which was placed on file without reading.

Mr. Kramer, from the committee on corporations, reported Senate Bill No. 45, entitled "An act requiring township trustees to levy taxes," etc., with the report of the committee recommending that it be indefinitely postponed.

Which was placed on file without reading.

Mr. Tarlton, from the committee on agriculture, reported engrossed House Bill No. 290, entitled "An act to provide for the regulation of the running at large of all kinds of animals," etc., with the report of the committee recommending that it do pass.

Which was placed on file without reading.

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Mr. Foster, from the committee on public printing, reported engrossed House Bill No. 683, entitled "An act to provide for the prompt publication of the Acts of the General Assembly, and declaring an emergency," together with the recommendation of the committee that it do pass.

Mr. Kramer, from the committee on county and township business, reported Engrossed House Bill No. 162, entitled "An act relating to wages of laborers," with the report of the committee recommending that it be indefinitely postponed.

Which was placed on file without reading.

Mr. Krammer, from the committee on county and township business, reported Engrossed House Bill No. 206, entitled "An act authorizing county commissioners to pay constables and marshals of incorporated towns certain expenses and declaring an emergency," with the report of the committee recommending that it be indefinitely postponed.

Which was placed on file without reading.

Mr. Kramer, from the committee on county and township business, reported Engrossed House Bill No. 419, entitled "An act to legalize taxes for 1877, of the incorporation of the town of Elwood, in Madison county, Indiana, and the proceedings of the board of trustees for 1878," with the report of the committee recommending that it do pass.

Which was placed on file without reading.

Mr. Kramer, from the committee on county and township business, reported Engrossed House Bill No. 436, entitled "An act to amend an act for the organization of county boards and prescribing some of their powers and duties," with the report of the committee recommending that it be indefinitely postponed.

Which was placed on file without reading.

Mr. Kramer, from the committee on county and township business, reported Engrossed House Bill No. 469, entitled "An act to prohibit the sale and transfer of county orders," etc., with the report of the committee recommending its indefinite postponement.

Which was placed on file without reading.

Mr. Kramer, from the committee on county and township business, reported Engrossed House Bill No. 621, entitled "An act to legalize the assessment and levy of taxes made by the common council of the city of Kendallville," etc., with the report of the committee that the bill do pass.

Mr. Kramer, from the committee on the organization of courts, reported Engrossed House Bill No. 630, entitled "An act in relation to presenting claims against counties in the State of Indiana," etc., with the report of the committee recommending that it be indefinitely postponed.

Which was placed on file without reading.

Mr. Kramer, from the committee on county and township business, reported Engrossed House Bill No. 686, entitled "An act to amend section 3 of an act entitled an act to incorporate the town of Vernon, Jennings county, Indiana, approved ———— 22, 1851," with the report of the committee recommending its indefinite postponement.

Which was placed on file without reading.

Mr. Wood, from the committee on insurance, reported Engrossed House Bill No. 188, entitled "A bill to regulate fire insurance companies, and to provide for the cancelling of policies of insurance," etc., with the report of the committee recommending that it be indefinitely postponed.

Which was placed on file without reading.

Mr. Olds, from the special committee, reported engrossed House bill No. 487, entitled "A bill for an act for the vacation of public squares in certain cases," etc., with the report of the committee recommending that it do pass.

Which was placed on file without reading.

Mr. Kramer moved to take up engrossed House bill No. 608.

Mr. Wilson moved to amend by taking up House bills on second reading.

Mr. Reeve moved as a substitute to take up Senate bill No. 458, entitled "An act to provide for the revision and publication of the statute laws of Indiana."

Which was agreed to.

Mr. Hefron presented a petition of citizens of Daviess county, remonstrating against the repeal of the railroad aid law.

Which was placed on file without reading.

The following message was received from the House by the Clerk thereof:

MR. PRESIDENT:

I am directed by the Speaker of the House to inform the Senate that the House has passed engrossed House bill No. 460, entitled "An act to amend section 2 of an act entitled an act in relation to the laying out, opening and widening, altering and vacating of streets, alleys and highways." etc.

Also, engrossed Senate Bill No. 118.

Also, engrossed House Bill No. 418, entitled "An act to amend section 28 of an act entitled an act to provide for a general system of common schools, the officers thereof and their respective duties and powers," etc.

Also, engrossed House Bill No. 669, entitled "An act to amend the nineteenth and twentieth sections of an act entitled an act to provide for the opening, vacating and change of highways, approved March 17, 1852."

And the same are herewith transmitted to the Senate for its action thereon.

Mr. Hart introduced Senate Bill No. 459, entitled "An act to legalize the acts of incorporation of a certain voluntary association, organized in Gibson county, in the State of Indiana," which was referred to the committee on corporations without reading.

Senate Bill No. 458 was read the second time, with the report of the committee recommending its passage with certain amendments.

Mr. Menzies offered the following amendment:

Add to end of first section: "Such board in such revision shall in no case make use of Roman numerals or letters in designating chapters, sections or articles."

Mr. Langdon moved that the bill, report and amendment lie on the table until to-morrow morning at 9 o'clock.

Which was agreed to.

On motion by Mr. Viehe Senate Bill No. 458 was made the special order for 3 o'clock P. M.

Mr. Donham, from the committee on rights and privileges, reported Engrossed House Bill No. 482, entitled "An act prescribing what kind of judgments shall be rendered in civil actions," etc., with the report of the committee recommending that the bill do pass.

Which was placed on file without reading.

Mr. Donham, from the committee on rights and privileges, re-

ported Engrossed House Bill No. 105, entitled "An act to regulate the practice of dentistry," etc., with the report of the committee recommending its passage.

Which was placed on file without reading.

Mr. Donham, from the committee on rights and privileges, reported Engrossed House Bill No. 286, entitled "An act to amend sections 4 and 6 of an act prescribing the powers and duties of coroners," etc., with the report of the committee recommending its passage.

Which was placed on file without reading.

Mr. Kahlo moved to take up House Bills on second reading.

Which was agreed to.

Engrossed House Bill No. 20, entitled "An act to create a State Bureau of Statistics," etc., was read the second time with the report of the committee recommending its passage, with certain amendments.

Mr. Fowler moved that the bill and amendments be printed and made the special order for to-morrow at 9 o'clock, A. M.

Which was rejected.

The report of the committee was concurred in, and the amendments ordered engrossed.

Engrossed House Bill No. 38, entitled "An act to amend section 6 of an act entitled an act concerning enclosures, trespassing animals, and partition fences, approved June 4, 1852," was read the second time, with the report of the committee recommending its indefinite postponement.

Which was concurred in.

Engrossed House Bill No. 364, entitled "An act authorizing county sheriffs to administer oaths in certain cases," was read the second time, with the report of the committee recommending its indefinite postponement.

Which was concurred in.

Engrossed House Bill No. 390, entitled "An act to legalize the election of each person who was declared elected to the office of township trustee at the April election, 1878," was read the second time, with the majority report of the committee recommending its passage, and the minority report of the committee recommending its indefinite postponement.

Mr. Coffey moved that the minority report be concurred in.

The ayes and noes were demanded by Messrs. Wood and Langdon, which being ordered and taken, resulted as follows:

Those who voted in the affirmative were: Senators Cadwallader, Coffey, Comstock, Davenport, Davis, Dice, Garrigus, Grubbs, Harris, Hart, Langdon, Menzies, Mercer, Moore, Olds, Poindexter, Shirk, Streight, Taylor, Treat, Trusler, Viehe, Weir, Wilson and Winterbotham—25.

Those who voted in the negative were: Senators Benz, Briscoe, Burrell, Donham, Foster, Fowler, Hebron, Kent, Kramer, Leeper, Major, Ragan, Reeve, Reiley, Sarnighausen, Tarlton, Traylor, Urmstan, Wood and Woollen—20.

The minority report was concurred in.

Engrossed House Bill No. 386, entitled "An act to exempt growing crops from sale on execution," was read the second time, with the majority report of the committee recommending that it be indefinitely postponed and the minority report recommending its passage.

The question first being on concurring in the minority report. It was rejected.

The question recurring on concurring in the majority report. It was concurred in.

Mr. Streight, from the committee on finance, reported engrossed House Bill No. 568, entitled "An act providing for a general system of common schools, with the report of the committee suggesting certain amendments, and when so amended recommending its passage.

Which was placed on file without reading.

Engrossed House Bill No. 455, entitled "An act to facilitate and authorize the transfer to the United States of the title of the State of Indiana to Antietam National Cemetery, in the State of Maryland," was read the second time, with the report of the committee recommending its passage.

Which was concurred in.

Engrossed House Bill No. 59, entitled "An act providing for appeals from boards of county commissioners in proceedings for the annexation of territory to towns and cities," etc., was read the second time, with the report of the committee recommending its passage.

Which was concurred in.

Mr. Urmstan moved that the constitutional rule be suspended, the bill read the third time and put upon its passage.

The question being on the motion to suspend the constitutional rule.

The ayes and noes were ordered and taken, resulting as follows:

Those who voted in the affirmative were: Senators Benz, Briscoe, Burrell, Comstock, Davenport, Davis, Dice, Donham, Foster, Fowler, Garrigus, Grubbs, Harris, Hart, Hefron, Kahlo, Kent, Kramer, Langdon, Menzies, Mercer, Moore, Poindexter, Ragan, Reeve, Streight, Tarlton, Taylor, Traylor, Treat, Trusler, Urmstan, Viehe, Weir, Winterbotham and Wood—36.

Those who voted in the negative were: Senators Cadwallader, Olds and Wilson—3.

The constitutional rule was suspended.

Engrossed House Bill No. 59 was read the third time.

The question being, shall the bill pass?

The ayes and noes were ordered and taken, resulting as follows:

Those who voted in the affirmative were: Senators Benz, Briscoe, Burrell, Cadwallader, Comstock, Davenport, Davis, Donham, Foster, Fowler, Garrigus, Grubbs, Harris, Hart, Hefron, Kahlo, Kent, Kramer, Leeper, Menzies, Mercer, Moore, Olds, Poindexter, Ragan, Reeve, Shaffer, Streight, Tarlton, Taylor, Traylor, Treat, Trusler, Urmstan, Viehe, Weir, Wilson, Winterbotham, Wood and Woollen—40.

No one voting in the negative.

The bill passed.

The title of the bill was read and ordered by the Senate to stand approved as read.

Mr. Kramer, from the committee on county and township business, reported Engrossed House Bill No. 207, entitled "An act prescribing the time and manner of electing supervisors," etc., with the report of the committee recommending its passage with certain amendments.

Which was placed on file without reading.

Engrossed House Bill No. 642, entitled "An act to legalize the incorporation of the town of Walton, and the subsequent election of trustees," was read the second time and passed to a third reading.

Engrossed House Bill No. 368, entitled "An act for the relief of George N. Winchel and others," was read the second time and passed to a third reading.

Engrossed House Bill No. 497, entitled "An act to amend section 466 of the practice act," was read the second time, with the report of the committee recommending its indefinite postponement.

Which was concurred in.

Engrossed House Bill No. 498, entitled "An act to amend sections 65 and 66 of the act providing for the settlement of estates," etc., was read the second time, with the report of the committee recommending its passage with amendments.

Mr. Harris moved that the bill and report be indefinitely postponed.

Which was agreed to.

Engrossed House Bill No. 263, entitled "An act to amend an act entitled an act to amend section 1 of an act to provide for the protection of fish," etc., was read the second time and passed to a third reading.

On motion by Mr. Burrell, Senate joint resolution No. 45, entitled "A joint resolution touching the Morgan raid claims, and the possession of the same," etc., was taken up and read.

The question being on the passage of the resolution:

The ayes and noes were ordered and taken, resulting as follows:

Those who voted in the affirmative were: Senators Benz, Briscoe, Burrell, Cadwallader, Comstock, Davenport, Davis, Donham, Foster, Fowler, Garrigus, Grubbs, Hart, Hefron, Kahlo, Kramer, Leeper, Major, Menzies, Mercer, Moore, Olds, Peterson, Poindexter, Ragan, Sarnighausen, Shaffer, Shirk, Streight, Tarlton, Traylor, Treat, Trusler, Urmstan, Weir, Wilson and Winterbotham—37.

Those who voted in the negative were: Senators Tarlton and Wood—2.

The joint resolution passed.

The Senate adjourned.

AFTERNOON SESSION.

MARCH 25, 1879.

The Senate reassembled at 2 o'clock P. M., Lieutenant-Governor Gray in the chair.

Mr. Shaffer offered the following preamble and resolution:

WHEREAS, That during the last week no voice has come from counties or townships, cities or individuals remote or near, asking for relief or legalizing any local inaccuracies or personal deficits; and

WHEREAS, It has been ascertained by patient waiting for one week that no irregularities remain which require legalization; and

WHEREAS, The legalization has in a great measure outlived its usefulness, and there is nothing left for it to do, save to draw their per diem, which duty has become tiresome and monotonous because of the distance of the State Treasury from the State House; and

WHEREAS, An adjournment would be a relief to the people and a benefit to the members, inasmuch as it would give the able-bodied members ample time and opportunity to explain the necessities of the special session, and the great labor performed. Therefore, be it

Resolved by the Senate (the House of Representatives concurring therein), That the special session of the Fifty-first General Assembly adjourn sine die on Saturday, March 29, at 12 o'clock, meridian.

On motion of Mr. Olds the preamble was stricken out.

Mr. Reeve moved to lay the resolution on the table.

The ayes and noes were demanded by Messrs. Olds and Shaffer, which being ordered and taken, resulted as follows:

Those who voted in the affirmative were: Senators Benz, Garrigus, Hefron, Reeve, Sarnighausen, Tarlton, Taylor and Viehe—8.

Those who voted in the negative were: Senators Briscoe, Cadwallader, Coffey, Comstock, Davenport, Davis, Dice, Donham, Foster, Fowler, Grubbs, Harris, Hart, Kahlo, Kent, Kramer, Langdon, Major, Menzies, Mercer, Moore, Olds, Peterson, Poindexter, Ragan, Reiley, Shaffer, Shirk, Streight, Traylor, Treat, Trusler, Urmstan, Wilson, Winterbotham and Wood—36.

The motion was rejected.

Mr. Fowler offered the following amendment:

Amend by inserting "Monday, March 31, 1879."

Mr. Olds moved that the amendment be rejected.

The ayes and noes were demanded by Messrs. Olds and Langdon, which being ordered and taken- resulted as follows:

Those who voted in the affirmative were: Senators Briscoe, Cadwallader, Coffey, Comstock, Davenport, Dice, Foster, Grubbs, Harris, Kahlo, Kent, Kramer, Langdon, Major, Menzies, Mercer, Moore, Olds, Peterson, Poindexter, Ragan, Reiley, Shaffer, Shirk, Streight, Traylor, Taylor, Treat, Trusler, Weir, Wilson, Winterbotham and Wood—33.

Those who voted in the negative were: Senators Benz, Burrell, Davis, Donham, Fowler, Garrigus, Hart, Hefron, Reeve, Sarnighausen, Tarlton, Urmstan and Viehe—13.

The amendment was rejected.

The resolution was then adopted.

Leave of absence was asked and obtained for Messrs. Moore and Kent for this afternoon.

Mr. Grubbs moved to take up Senate Bill No. 370, entitled "An act to amend section 527 of the practice act."

Which was rejected.

Mr. Langdon moved for leave to introduce a resolution.

Which was rejected.

Engrossed House Bill No. 583, entitled "An act authorizing incorporated towns to light their streets with gas in certain cases," was read the second time, with the report of the committee recommending its passage.

Which was concurred in.

Engrossed House Bill No. 82, entitled "An act in relation to foreign express companies, defining their duties," etc., was read the second time, with the report of the committee recommending its passage.

Which was concurred in.

The following message was received from the House by the clerk thereof:

MR. PRESIDENT:

I am directed by the Speaker of the House to inform the Senate that the House respectfully requests the return of Engrossed House Bill No. 620.

Mr. Sarnighausen moved that the request of the House be complied with.

Which was agreed to.

The following message was received from the House by the Clerk thereof:

MR. PRESIDENT:

I am directed by the Speaker of the House to inform the Senate that the House has concurred in the report of the conference committee on House Bill No. 640, entitled "An act making specific appropriations for the year 1879."

And said bill, together with the Senate amendments and House amendments, are herewith transmitted to the Senate.

Mr. Menzies moved to take up Senate Bill No. 456 on the subject of State Prisons.

Mr. Olds moved to lay the motion on the table.

The ayes and noes were demanded by Messrs. Trusler and Streight, which being ordered and taken, resulted as follows:

Those who voted in the affirmative were: Senators Benz, Briscoe, Cadwallader, Comstock, Davenport, Davis, Dice, Garrigus, Grubbs, Harris, Kahlo, Leeper, Mercer, Olds, Poindexter, Ragan, Reeve, Shaffer, Shirk, Streight, Taylor, Treat, Trusler, Weir and Wilson—25.

Those who voted in the negative were: Senators Comstock, Foster, Fowler, Hart, Hefron, Kramer, Langdon, Major, Menzies, Peterson, Reiley, Sarnighausen, Tarlton, Traylor, Urmstan, Viehe, Winterbotham and Wood—19.

The motion was agreed to.

Mr. Menzies demanded a call of the Senate, which being ordered and taken discovered the following Senators present and answering to their names:

Senators Benz, Briscoe, Burrell, Cadwallader, Coffey, Comstock, Davenport, Davis, Dice, Donham, Foster, Fowler, Garrigus, Grubbs, Harris, Hart, Hefron, Kahlo, Kent, Kramer, Langdon, Leeper, Major, Menzies, Mercer, Moore, Olds, Peterson, Poindex-

ter, Ragan, Reeve, Reiley, Sarnighausen, Shaffer, Shirk, Streight, Tarlton, Taylor, Treat, Trusler, Urmstan, Viehe, Weir, Wilson, Winterbotham and Wood—46.

Leave of absence was asked and obtained for Messrs. Woollen and Smith until to-morrow.

The chair announced the special order for this hour being the consideration of Senate Bill No. 458.

The report of the committee recommending that the bill do pass with certain amendments was read and concurred in.

Mr. Reeve moved that the constitutional rule be suspended, the bill considered as engrossed, read the third time and put upon its passage.

The question being on the motion to suspend the constitutional rule.

The ayes and noes were ordered and taken, resulting as follows:

Those who voted in the affirmative were: Senators Benz, Briscoe, Burrell, Cadwallader, Comstock, Davis, Dice, Donham, Fowler, Garrigus, Grubbs, Harris, Hart, Hefron, Kahlo, Kent, Kramer, Leeper, Major, Menzies, Mercer, Moore, Olds, Reeve, Reiley, Sarnighausen, Shaffer, Tarlton, Traylor, Treat, Trusler, Urmstan, Winterbotham and Wood—34.

Those who voted in the negative were: Senators Coffey, Davenport, Foster, Langdon, Peterson, Poindexter, Ragan, Shirk, Streight, Taylor, Weir and Wilson—12.

The constitutional rule was suspended.

Mr. Reeve demanded a call of the Senate, which being ordered and taken discovered the following Senators present and answering to their names:

Senators Benz, Briscoe, Burrell, Cadwallader, Comstock, Davenport, Davis, Dice, Donham, Foster, Garrigus, Grubbs, Harris, Hart, Hefron, Kahlo, Kent, Kramer, Langdon, Leeper, Major, Menzies, Mercer, Moore, Olds, Peterson, Poindexter, Ragan, Reeve, Sarnighausen, Shaffer, Shirk, Streight, Tarlton, Taylor, Traylor, Treat, Trusler, Urmstan, Weir, Wilson, Winterbotham, Wood and Woollen—46.

On motion by Mr. Shaffer, further proceedings under the call were dispensed with.

Senate Bill No. 458 was read the third time.

The question being, shall the bill pass?

The ayes and noes were ordered and taken, resulting as follows:

Those who voted in the affirmative were: Senators Benz, Briscoe, Burrell, Cadwallader, Coffey, Comstock, Davenport, Davis, Dice, Donham, Garrigus, Grubbs, Harris, Kahlo, Kramer, Leeper, Major, Menzies, Olds, Peterson, Poindexter, Reeve, Reiley, Shaffer, Tarlton, Taylor, Traylor, Treat, Trusler, Urmstan, Viehe, Winterbotham and Wood—33.

Those who voted in the negative were: Senators Foster, Fowler, Hart, Langdon, Mercer, Ragan, Shirk, Streight, Weir and Wilson—10.

The bill passed.

The title of the bill was read and ordered by the Senate to stand approved as read.

The following message was received from the House by the Clerk thereof:

MR. PRESIDENT:

I am directed by the Speaker of the House to inform the Senate that the House has passed engrossed House bill No. 499, entitled "An act to amend section 336 of the practice act."

Also engrossed House bill No. 557, entitled "A bill for an act making it the duty of the Governor of the State in certain cases to have the business of any public office investigated."

Also, engrossed House bill No. 520, entitled "An act providing that the concurrence and agreement of nine members of a jury shall be sufficient to enable them to return a verdict," etc.

Also, engrossed Senate bill No. 197, entitled "An act to protect the ballot-box," etc., and amend the title of said Senate bill by adding thereto the words "and declaring an emergency."

Also, engrossed House bill No. 576, entitled "An act to amend section 3 of an act declaratory of the law regulating marriages, and enforcing the provisions thereof by proper penalties, approved March 5, 1852."

Also, that he has signed enrolled House concurrent resolutions, Nos. 36, 37, 38 and 39.

And the same are herewith transmitted to the Senate for the signature of the President thereof.

And the bills in this message mentioned are herewith transmitted to the Senate for its action thereon.

Mr. Grubbs, from the committee on enrolled bills, submitted the following report:

MR. PRESIDENT:

Your joint committee on enrolled bills beg leave to report that they have examined enrolled Senate bill No. 118, entitled "An act to amend section 199," etc., and find the same correctly enrolled.

Engrossed House Bill No. 271, entitled "An act to amend sections 1, 2, 4 and 5 of an act entitled an act authorizing street or horse car railway companies to use state, county and township roads," etc., was read the second time with the report of the committee recommending its passage.

Which was concurred in.

Engrossed House Bill No. 453, entitled "An act to amend section 2 of an act provididg for the election and appointment of supervisors of highways," etc., was read the second time with the report of the committee recommending its passage.

On motion of Mr. Trusler the bill and report were indefinitely postponed.

The following message was received from the House by the Clerk thereof:

MR. PRESIDENT:

I am directed by the Speaker of the House to return to the Senate House Bill No. 620, entitled "An act relating to the codification of the school laws."

And said bill is herewith transmitted to the Senate.

Engrossed House Bill No. 377, entitled "An act to regulate the practice of medicine, midwifery and surgery," etc., was read the second time, with the report of the committee recommending its passage with certain amendments.

Mr. Wilson moved that the bill and report be indefinitely postponed.

Mr. Trusler demanded the previous question, which was seconded by unanimous consent.

The question being on the motion to indefinitely postpone.

The ayes and noes were demanded by Messrs. Foster and Shaffer, which being ordered and taken resulted as follows:

Those who voted in the affirmative were: Senators Briscoe, Coffey, Comstock, Davenport, Donham, Garrigus, Peterson, Ragan,

Reeve, Shirk, Streight, Tarlton, Taylor, Traet, Trusler, Weir and Wilson—17.

Those who voted in the negative were: Senators Benz, Burrell, Cadwallader, Dice, Foster, Fowler, Grubbs, Harris, Hefron, Kahlo, Kramer, Leeper, Menzies, Mercer, Olds, Peterson, Poindexter, Reiley, Sarnighausen, Shaffer, Traylor, Urmstan, Winterbotham and Wood—24.

The motion to indefinitely postpone was rejected.

Mr. Shaffer moved to concur in the report of the committee.

Mr. Reeve moved to amend the report of the committee by striking out all after the enacting clause of the bill and insert instead thereof Senate bill No. 278.

Mr. Foster moved to lay the motion on the table.

The ayes and noes were demanded by Messrs. Foster and Fowler, which being ordered and taken, resulted as follows:

Those who voted in the affirmative were: Senators Briscoe, Cadwallader, Donham, Foster, Fowler, Harris, Hart, Hefron, Kahlo, Kramer, Leeper, Mercer, Peterson, Poindexter, Reiley, Sarnighausen, Shaffer, Tarlton, Traylor, Treat, Trusler, Urmstan, Winterbotham and Wood—24.

Those who voted in the negative were: Senators Benz, Burrell, Coffey, Comstock, Davenport, Davis, Dice, Garrigus, Grubbs, Menzies, Olds, Ragan, Reeve, Shirk, Streight, Taylor and Wilson—17.

The motion was agreed to and the report of the committee was concurred in.

Mr. Leeper, from the conference committee, submitted the following report:

MR. PRESIDENT:

Your committee on conference, to whom was referred House Bill No. 640 making certain specific appropriations with the House and Senate amendments and disagreements thereto, have conferred and unite on the following report of agreement as the result of their conference, which we respectfully submit, recommending concurrence therein.

A. CADWALLADER,

Senator from Randolph county.

D. R. LEEPER,

Senator from St. Joseph and Starke.

A. HUMPHREYS,

Representative from Green county.

JOHN OVERMYER,

Representatives from Jennings county.

First. That the House agrees to Senate amendment by striking out item first of House bill in relation to the appropriation for furnishing the new hospital for the insane, and the House agrees to Senate amendment, item 4, thereto, with the following amendment to said item 4 of Senate amendments:

Amend by striking out the words "forty thousand," and insert in lieu thereof the words "twenty-five."

Second. That the House recede from its disagreement to item No. 6 of Senate amendments in relation to sewerage for Deaf and Dumb Institution.

Third. That in relation to the appropriation of ninety-four thousand dollars for completion of new Hospital for Insane, that the House recedes from its disagreement to Senate item No. 13, and that said item No. 13 be amended as follows: Strike out the words "ninety-four thousand dollars," and insert in lieu thereof the words "forty thousand dollars for the year 1879, and a like sum of forty thousand dollars for the year 1880."

Fourth. That the House recede from its disagreement to item 16 of Senate amendments in relation to appropriation for Asylum for Feeble Minded Children.

Fifth. That the House recede from its disagreement to Senate amendment, item 20, in relation to clerk hire.

Sixth. That the Senate recede from its amendments, items 23 and 25, in relation to allowance in contested election case.

Seventh. That the House recede from its disagreement to item 24 of Senate amendments in relation to pay for statutes furnished Senate.

Eighth. That the Senate recede from its amendment, item 14, in relation to purchase of state fair ground and agree to House amendment thereto.

Ninth. That the House recede from its disagreement to item 15 of Senate amendment in relation to fencing at Female Reformatory, and that said item be amended as follows: "*Provided*, That said claim shall be paid upon the order of the Governor, Auditor and Secretary of State, if upon investigation by them it be found valid."

Tenth. That the House recede from its disagreement to item 22, Senate amendments, in relation to claim of Crane, Breed & Co.

Eleventh. That the Senate recede from its amendments, item 17, 26 and 27, in relation to swamp lands ditching and recommend that the following section be added to the bill:

Section —. That the following claims for swamp land ditching, Martin Smith, \$50; Mathias Goar, \$59; Henry Goar, \$255; Preston Escue, \$60; Martin Kendall, \$46; A. J. Guffin, \$129; James Cravens, \$1,600; Caroline Hohman, executrix, the sum of \$203; J. Zackman the sum of \$153; Patrick Kirland the sum of \$140, shall be and are hereby referred to the Governor, Auditor and Secretary of State, who shall examine into the validity of such claims, and shall be and are empowered to hear testimony, take evidence and administer oaths, send for persons and papers, and shall report the result of such examination to the next General Assembly.

And that the House amendments to item 19 of Senate amendment claim of R. C. Arnold be concurred in.

And that item A of House amendment be concurred in, which allows the claim of J. R. Shadburn for janitor of prison committee south, and further, that House amendments to Senate amendment, item 10, be concurred in, in relation to the claim of Alfred Mondy.

Which was concurred in.

The following message was received from the House by the Clerk thereof:

MR. PRESIDENT:

I am directed by the Speaker of the House to inform the Senate that the House has passed Engrossed Senate Bill No. 57, entitled "An act for the establishment of workhouses, etc.

And the same is herewith returned to the Senate.

Mr. Shaffer moved that another vote be taken on the passage of Senate Bill No. 278.

Mr. Wilson moved to lay that motion on the table.

The ayes and noes were demanded by Messrs. Foster and Wilson, which being ordered and taken, resulted as follows:

Those who voted in the affirmative were: Senators Coffey, Comstock, Davis, Donham, Foster, Garrigus, Hart, Langdon, Mercer, Peterson, Ragan, Sarnighausen, Shirk, Traylor, Treat, Trusler, Weir and Wilson—18.

Those who voted in the negative were: Senators Benz, Burrell, Cadwallader, Davenport, Dice, Fowler, Harris, Kahlo, Kramer, Menzies, Olds, Reeve, Reiley, Shaffer, Tarlton, Taylor, Urmstan, Winterbotham and Wood—19.

The motion to lay on the table was rejected.

The question recurring on the motion of Mr. Shaffer.

The ayes and noes were demanded by Messrs. Menzies and Wilson, which being ordered and taken, resulted as follows:

Those who voted in the affirmative were: Senators Briscoe, Burrell, Cadwallader, Davenport, Dice, Fowler, Harris, Kahlo, Kramer, Leeper, Menzies, Olds, Reiley, Shaffer and Winterbotham—15.

Those who voted in the negative were: Senators Coffey, Comstock, Davis, Donham, Foster, Garrigus, Hart, Langdon, Mercer, Peterson, Poindexter, Ragan, Reeve, Sarnighausen, Shirk, Tarlton, Taylor, Traylor, Treat, Trusler, Urmstan, Viehe, Weir, Wilson and Wood—25.

The motion was rejected.

Engrossed House Bill No. 179, entitled "An act to prevent the manufacture and sale of adulterated commercial fertilizers," was read the first time, with the report of the committee recommending its passage.

Which was concurred in.

Engrossed House Bill No. 414, entitled "An act for the relief of Patrick Hallegan," was read the second time and passed to a third reading.

Mr. Coffey, from the committee on the organization of courts, reported engrossed House Bill No. 605, entitled "An act to provide for punishment of persons guilty of giving certificates of false weight," etc., with the report of the committee recommending that it be indefinitely postponed.

Which was placed on file without reading.

Mr. Olds moved to take up engrossed House Bill No. 32.

Which was rejected.

Engrossed House Bill No. 132, entitled "An act providing for the issuing of letters testamentary," etc., was read the second time, with the report of the committee recommending its passage.

Which was concurred in.

Engrossed House Bill No. 383, entitled "An act to legalize the incorporation of the Kokomo gas light and coke company," etc., was read the second time.

Which was placed on file for third reading.

Engrossed House Bill No. 131, entitled "An act to amend section 77 of an act to revise, simplify and abridge the rules, practice,

pleadings and forms in civil cases," etc., was read the second time, with the report of the committee recommending its passage with certain amendments.

Mr. Olds moved that the bill and report be indefinitely postponed.

Mr. Foster demanded the previous question.
Which was seconded by the Senate.

The main question was ordered.

The question being on the motion to indefinitely postpone.
It was agreed to.

Mr. Straight moved that engrossed House Bill No. 271 be referred to a special committee of three.

Mr. Reeve moved to lay that motion on the table.
Which was agreed to.

Mr. Sarnighausen, from the committee on education, reported Engrossed House Bill No. 620, entitled "An act to provide for a general system of common schools, and for the care and management of the school fund and revenue," with the report of the committee recommending its amendment by substituting new matter for sections 20, 31, 32, 33, 34, 35, 36, 37 and 38, and when so amended recommending it passage.

Which was placed on file without reading.

Engrossed House Bill No. 174, entitled "An act for the repeal of section 2 of an act entitled an act defining certain misdemeanors, prescribing punishment therefor," etc., was read the second time with the report of the committee recommending its indefinite postponement.

Mr. Olds offered the following amendment to the report:

Amend report by striking out the words "be indefinitely postponed" and insert in lieu thereof the words "do pass."

Pending which the Senate adjourned.

(Approved.)

ISAAC P. GRAY,
President of the Senate.

WEDNESDAY MORNING.

MARCH 26, 1879.

Senate met at 9 o'clock A. M., Lieutenant-Governor Gray in the chair.

The Journal of yesterday was being read when, on motion of Mr. Benz, the further reading was dispensed with.

Mr. Viehe, from the committee on the judiciary, reported Engrossed House Bill No. 203, entitled "An act authorizing cities to make donations for the erection of machine shops," etc., with the report of the committee suggesting certain amendments, and when so amended recommending that the bill do pass.

Which was placed on file without reading.

Mr. Burrell, from the committee on the judiciary, reported Engrossed House Bill No. 89, entitled "A bill touching contempts of court," etc., with the report of the committee suggesting certain amendments, and when so amended recommending that the bill do pass.

Which was placed on file without reading.

Mr. Grubbs, from the committee on the judiciary, reported Engrossed House Bill No. 238, entitled "An act to amend the mechanics' lien law," with the report of the committee recommending its passage.

Which was placed on file without reading.

Mr. Tarlton, from the committee on agriculture, reported engrossed House Bill No. 373, entitled "An act to amend section 2 and to repeal section 14 of an act concerning inclosures, trespassing animals and partition fences, approved June 4, 1852," with the report of the committee recommending that the bill be indefinitely postponed.

Which was placed on file without reading.

Mr. Tarlton, from the committee on agriculture, reported engrossed House Bill No. 225, entitled "An act to prevent the spread

of the Canada thistle," with the report of the committee recommending that the bill do pass.

Which was placed on file without reading.

Mr. Garrigus, from the committee on canal and swamp lands, reported engrossed House Bill No. 154, entitled "An act to enable the owners of swamp lands to properly drain and reclaim them," etc., with the report of the committee recommending that the bill be indefinitely postponed.

Which was placed on file without reading.

Mr. Garrigus, from the committee on canals and internal improvements, reported engrossed House Bill No. 284, entitled "An act in reference to ditches," etc., with the report of the committee recommending that it be indefinitely postponed.

Which was placed on file without reading.

Mr. Garrigus, from the committee on canals and internal improvements, reported engrossed House Bill No. 476, entitled "An act in relation to the drainage of wet lands," with the report of the committee recommending that the bill be indefinitely postponed.

Which was placed on file without reading.

Mr. Hefron, from the special committee, reported engrossed House Bill No. 192, entitled "An act to legalize the incorporation of the town of Butler, DeKalb county, Indiana," with the report of the committee recommending its passage.

Which was placed on file without reading.

Mr. Hefron moved to take up House Bill No. 608.

Which was rejected.

Mr. Fowler moved to take up House Bills on third reading.

Which was agreed to.

Engrossed House Bill No. 414, entitled "An act for the relief of Patrick Hallegan," was read the third time.

The question being, shall the bill pass?

The ayes and noes were ordered and taken, resulting as follows:

Those who voted in the affirmative were: Senators Benz, Briscoe, Burrell, Cadwallader, Coffey, Comstock, Davenport, Davis, Dice, Donham, Fowler, Garrigus, Grubbs, Hart, Hefron, Kahlo, Kent, Kramer, Leeper, Major, Mercer, Moore, Peterson, Poindexter, Reeve, Reiley, Sarnighausen, Shaffer, Smith, Tarlton, Traylor, Treat, Trusler, Urmstan, Viehe and Winterbotham—36.

Those who voted in the negative were: Senators Foster, Olds, Ragan, Shirk, Taylor and Wilson—6.

The bill passed.

The title was then read and ordered by the Senate to stand approved as read.

Engrossed House Bill No. 455, entitled "An act to facilitate and authorize the transfer to the United States of the title of the State of Indiana to the Antietam National Cemetery, in the State of Maryland," was read the third time.

The question being, shall the bill pass?

The ayes and noes were ordered and taken, resulting as follows:

Those who voted in the affirmative were: Senators Benz, Briscoe, Comstock, Davenport, Davis, Dice, Donham, Foster, Fowler, Garrigus, Grubbs, Harris, Hart, Hebron, Kahlo, Kramer, Leeper, Menzies, Mercer, Olds, Peterson, Poindexter, Ragan, Reiley, Sarnighausen, Shaffer, Shirk, Smith, Treat, Trusler, Urmstan, Viehe, Weir, Wilson and Winterbotham—35.

Those who voted in the negative were: Senators Taylor and Traylor—2.

The bill passed.

The title of the bill was read and ordered by the Senate to stand approved as read.

The following message was received from the House by the Clerk thereof:

MR. PRESIDENT:

I am directed by the Speaker of the House to inform the Senate that he has signed Enrolled Senate Act No. 118.

Also, that the House has refused to concur in the Senate amendments to Engrossed House Bill No. 22, and respectfully request that a committee of conference be appointed, and has appointed on the part of the House as such committee, Messrs. Conner and Dailey.

Mr. Harris moved that the request of the House as expressed in the message be complied with.

Which was agreed to.

The chair appointed as such committee on the part of the Senate, Messrs. Harris and Tarlton.

Engrossed House Bill No. 642, entitled "An act to legalize the incorporation of the town of Walton," etc., was read the third time.

The question being, shall the bill pass?

The ayes and noes were ordered and taken, resulting as follows:

Those who voted in the affirmative were: Senators Briscoe, Cadwallader, Comstock, Davenport, Davis, Dice, Donham, Foster, Fowler, Garrigus, Grubbs, Harris, Kahlo, Leeper, Major, Mercer, Moore, Peterson, Poindexter, Reiley, Sarnighausen, Shaffer, Tarlton, Traylor, Treat, Trusler, Viehe, Winterbotham, Wood and Woollen—31.

Those who voted in the negative were: Senators Benz, Hefron, Menzies, Olds, Ragan, Shirk, Smith, Weir and Wilson—9.

The bill passed.

The title of the bill was read and ordered by the Senate to stand approved as read.

Engrossed House Bill No. 11, entitled "An act to amend section 7 of an act entitled an act authorizing boards of county commissioners to construct gravel roads," etc., was read the third time.

The question being, shall the bill pass?

The ayes and noes were ordered and taken, resulting as follows:

Those who voted in the affirmative were: Senators Cadwallader, Foster, Mercer, Peterson, Shaffer and Taylor—6.

Those who voted in the negative were: Senators Benz, Briscoe, Burrell, Coffey, Comstock, Davenport, Davis, Fowler, Garrigus, Grubbs, Harris, Hart, Hefron, Kahlo, Kramer, Langdon, Leeper, Major, Menzies, Poindexter, Ragan, Reeve, Sarnighausen, Shirk, Smith, Tarlton, Traylor, Treat, Trusler, Urmstan, Wier, Wilson, Winterbotham and Wood—34.

The bill failed to pass.

The following message was received from the House by the Clerk thereof:

MR. PRESIDENT:

I am directed by the Speaker of the House to inform the Senate that the House has adopted Senate concurrent resolution No. 45.

Also, that the House has amended and adopted Senate concurrent resolution No. 46.

Also, that the House has concurred in the Senate amendments to engrossed House bill No. 264, with the following amendments:

Insert after the word "dollars," in line 3 of paragraph 4, on page 1, the following: "To each employe."

And the same are herewith returned to the Senate.

Mr. Leeper moved to take up engrossed House amendments to engrossed Senate amendments to Engrossed House Bill No. 264.

Which was agreed to.

The House amendments were taken up and concurred in.

Mr. Kramer asked and obtained leave to withdraw Engrossed House Bill No. 630.

Engrossed House Bill No. 20, entitled "An act providing for the establishment of a State Bureau of Statistics and Geology," etc., was read the third time with the Senate amendments thereto.

The question being, shall the bill pass?

Mr. Burrell demanded the previous question.

Which was seconded by consent.

The ayes and noes were ordered and taken, resulting as follows:

Those who voted in the affirmative were: Senators Briscoe, Cadwallader, Comstock, Davenport, Davis, Dice, Donham, Garri-gus, Grubbs, Harris, Kahlo, Langdon, Major, Olds, Poindexter, Ragan, Reeve, Sarnighausen, Shaffer, Shirk, Smith, Streight, Tay-lor, Treat, Trusler, Viehe, Weir, Wilson and Winterbotham—29.

Those who voted in the negative were: Senators Benz, Burrell, Coffey, Foster, Fowler, Hart, Hefron, Kramer, Menzies, Mercer, Peterson, Reiley, Tarlton, Traylor, Urmstan and Wood—16.

The bill passed.

The title of the bill was read and ordered by the Senate to stand approved as read.

Mr. Burrell, from the committee on claims, reported engrossed House Bill No. 687, entitled "An act to authorize a loan to pay off the temporary debt of the State," etc.

The bill was read the second time, with the report of the com-mittee recommending its passage.

Which was concurred in.

Mr. Burrell moved to suspend the constitutional rule, read the bill the third time and put it upon its passage.

The question being on the motion to suspend the constitutional rule.

The ayes and noes were ordered and were being taken, when Mr. Burrell demanded a call of the Senate, which being ordered and taken discovered the following Senators present and answering to their names:

Senators Benz, Briscoe, Burrell, Cadwallader, Coffey, Comstock, Davenport, Davis, Dice, Donham, Foster, Fowler, Garrigus, Grubbs, Harris, Hart, Hefron, Kahlo, Kramer, Langdon, Leeper, Menzies, Mercer, Olds, Peterson, Poindexter, Ragan, Reeve, Reiley, Sarnighausen, Shaffer, Shirk, Smith, Streight, Tarlton, Taylor, Traylor, Treat, Trusler, Urmstan, Viehe, Weir, Wilson, Winterbotham and Wood—45.

On motion of Mr. Burrell further proceedings under the call were dispensed with.

The question being on the motion to suspend the constitutional rule.

The ayes and noes were ordered and taken, resulting as follows:

Those who voted in the affirmative were: Senators Benz, Burrell, Coffey, Davenport, Davis, Donham, Fowler, Garrigus, Grubbs, Harris, Hart, Hefron, Kahlo, Kramer, Leeper, Major, Menzies, Mercer, Olds, Peterson, Ragan, Reiley, Sarnighausen, Shirk, Smith, Tarlton, Taylor, Treat, Urmstan, Viehe, Winterbotham and Wood—32.

Those who voted in the negative were: Senators Briscoe, Cadwallader, Comstock, Dice, Foster, Langdon, Poindexter, Shaffer, Streight, Traylor, Trusler, Weir and Wilson—13.

The motion failed for want of a constitutional majority.

Engrossed House Bill No. 38, entitled "An act to amend section 6 of an act entitled an act concerning inclosures, trespassing animals and partition fences," etc., was read the third time.

The question being, shall the bill pass?

The ayes and noes were ordered and taken, resulting as follows:

Those who voted in the affirmative were: Senators Briscoe, Davis, Garrigus, Harris, Menzies, Mercer, Peterson, Poindexter, Ragan, Shaffer, Streight, Trusler and Viehe—13.

Those who voted in the negative were: Senators Burrell, Cadwallader, Comstock, Davenport, Dice, Donham, Fowler, Grubbs, Hart, Hefron, Kahlo, Kramer, Langdon, Leeper, Major,

Olds, Reiley, Sarnighausen, Shirk, Smith, Tarlton, Taylor, Traylor, Treat, Urmstan, Weir, Wilson, Winterbotham and Wood—29.

The bill failed to pass.

The following message was received from the House by the clerk thereof:

MR. PRESIDENT:

I am directed by the Speaker of the House to inform the Senate that the House has adopted House Concurrent Resolution No. 47, with the following amendment:

Amend by striking out "Saturday, March 29," and inserting Monday, March 31, at 12 o'clock meridian."

Also, that he has signed Engrossed Senate Acts Nos. 57 and 59. And the same are herewith returned to the Senate.

Mr. Sarnighausen moved that the message be taken up and the amendment to the Senate Concurrent Resolution concurred in.

Which was agreed to.

The message was taken up and the amendment concurred in.

The resolution as amended was then adopted.

Mr. Sarnighausen moved to reconsider the vote by which the resolution was adopted, and moved to lay that motion on the table.

Which was agreed to.

Engrossed House Bill No. 82, entitled "An act in relation to foreign express companies, defining their duties, and providing penalties for a failure to comply with the provisions of this act," was read the third time.

On motion, by Mr. Harris, the bill was referred to a special committee, consisting of Messrs. Grubbs, Viehe and Burrell, with instructions to report this afternoon at 3 o'clock.

Mr. Harris moved for leave to introduce a bill.

The ayes and noes were demanded by Senators Wilson and Burrell, which being ordered and taken resulted as follows:

Those who voted in the affirmative were: Senators Cadwallader, Comstock, Davis, Donham, Foster, Harris, Kahlo, Mercer, Shirk, Treat, Viehe, Weir and Wood—13.

Those who voted in the negative were: Senators Benz, Burrell, Coffey, Dice, Fowler, Garrigus, Grubbs, Hart, Hefron, Kramer, Leeper, Major, Menzies, Olds, Peterson, Poindexter, Ragan, Reeve,

Sarnighausen, Shaffer, Tarlton, Traylor, Trusler, Urmstan, Wilson and Winterbotham—26.

The motion was rejected.

Mr. Reeve moved to suspend the order of business and take up Senate bill No. 111, entitled "An act to enable certain corporations organized under the laws of other States of the United States to take, hold and convey real estate for certain purposes therein named."

Mr. Streight moved to lay the motion on the table.

Which was agreed to.

The Senate adjourned.

AFTERNOON SESSION.

MARCH 26, 1879.

The Senate reassembled at 2 o'clock P. M., Lieutenant-Governor Gray in the chair.

Mr. Grubbs, from the special committee, to whom was referred engrossed House Bill No. 82, entitled "An act in relation to foreign express companies," etc., reported the same back with the recommendation that it do pass.

Which was placed on file without reading.

Mr. Viehe moved that when the Senate adjourn, it be until 7½ o'clock this evening.

Which was agreed to.

Engrossed House Bill No. 383, entitled "An act to legalize the incorporation of the Kokomo gas-light and coke company," etc., was read the third time.

The question being, shall the bill pass?

The ayes and noes were ordered and taken, resulting as follows:

Those who voted in the affirmative were: Senators Benz, Briscoe, Davenport, Davis, Dice, Foster, Fowler, Garrigus, Grubbs, Hart, Hefron, Kahlo, Kent, Kramer, Leeper, Major, Mercer, Moore, Peterson, Poindexter, Ragan, Sarnighausen, Shaffer, Shirk, Traylor, Treat, Trusler, Urmstan, Viehe, Weir, Wilson and Woollen—32.

Those who voted in the negative were: Senators Burrell, Coffey, Langdon, Olds and Reiley—5.

The bill passed.

The title of the bill was read and ordered by the Senate to stand approved as read.

Engrossed House Bill No. 368, entitled "An act for the relief of George N. Winchel and others, was read the third time.

The question being, shall the bill pass?

The ayes and noes were ordered and taken, resulting as follows:

Those who voted in the affirmative were: Senators Benz, Briscoe, Comstock, Davenport, Dice, Donham, Foster, Garrigus, Grubbs, Hebron, Kahlo, Kent, Kramer, Leeper, Major, Mercer, Peterson, Ragan, Shaffer, Shirk, Tarlton, Treat, Trusler, Weir, Winterbotham and Wood—26.

Those who voted in the negative were: Senators Burrell, Coffey, Davis, Fowler, Hart, Menzies, Olds, Reiley, Sarnighausen, Traylor, Viehe and Wilson—12.

The bill passed.

The title of the bill was read and ordered by the Senate to stand approved as read.

Mr. Kent moved to take up House amendments to Engrossed Senate Bill No. 197, and concur in the same.

Which was agreed to, and the amendments were concurred in.

Engrossed House Bill No. 263, entitled "An act to amend an act entitled an act to amend section 1 of an act providing for the protection of fish," etc., was read the third time.

The question being, shall the bill pass?

The ayes and noes were ordered and taken, resulting as follows:

Those who voted in the affirmative were: Senators Benz, Briscoe, Burrell, Cadwallader, Davenport, Davis, Foster, Fowler, Garrigus, Grubbs, Harris, Hart, Hebron, Kahlo, Kramer, Leeper, Menzies, Mercer, Olds, Peterson, Poindexter, Ragan, Reiley, Sarnighausen, Shaffer, Shirk, Smith, Trusler, Wilson, Winterbotham, Wood and Woollen—32.

Those who voted in the negative were: Senators Coffey, Dice, Donham, Tarlton, Taylor, Traylor, Treat, Urmstan, Viehe and Weir—10.

The bill passed.

The title was read.

Mr. Leeper offered the following amendment to the title:

Amend the title by adding the words "approved March 14, 1877."

Which was agreed to.

The title as amended was adopted.

Mr. Hefron, from the committee on corporations, reported engrossed House Bill No. 115, entitled "An act to amend section 1 of an act entitled an act to provide for the protection of the Sabbath and prescribing penalties for the desecration thereof," etc., with the report of the committee recommending its passage.

Which was placed on file without reading.

Engrossed House Bill No. 179, entitled "An act to prevent the manufacture and sale of adulterated commercial fertilizers," etc., was read the third time.

The question being, shall the bill pass?

The ayes and noes were ordered and taken, resulting as follows:

Those who voted in the affirmative were: Senators Benz, Briscoe, Burrell, Cadwallader, Coffey, Davenport, Davis, Dice, Donham, Foster, Fowler, Garrigus, Grubbs, Harris, Hart, Hefron, Kahlo, Kramer, Langdon, Major, Menzies, Mercer, Olds, Peterson, Poin-dexter, Ragan, Reiley, Shaffer, Shirk, Smith, Tarlton, Taylor, Traylor, Treat, Trusler, Urmstan, Weir, Wilson, Winterbotham and Woollen—40.

Senator Sarnighausen voting in the negative.

The bill passed.

The title of the bill was read.

Mr. Dice offered the following amendment to the title:

Add to the title the words "and providing penalties therefor."

Which was agreed to.

Engrossed House Bill No. 687, entitled "An act to authorize a loan to pay off the temporary loan debt of the State," was read the third time.

The question being, shall the bill pass?

The ayes and noes were ordered and taken, resulting as follows:

Those who voted in the affirmative were: Senators Burrell, Coffey, Comstock, Davenport, Davis, Donham, Fowler, Garrigus, Grubbs, Harris, Hefron, Kahlo, Kent, Kramer, Leeper, Major, Menzies, Olds, Peterson, Sarnighausen, Smith, Tarlton, Taylor,

Treat, Urmstan, Viehe, Weir, Winterbotham, Wood and Woollen—30.

Those who voted in the negative were: Senators Benz, Briscoe, Dice, Foster, Hart, Langdon, Mercer, Poindexter, Ragan, Shaffer, Shirk, Traylor, Trusler and Wilson—14.

The bill passed.

The title of the bill was read and ordered to stand approved.

Engrossed House Bill No. 377, entitled "An act to regulate the practice of medicine, midwifery and surgery," etc., was read the third time.

Mr. Reeve moved to refer the bill to a special committee of three with instructions to strike out all after the enacting clause, and insert Senate bill No. 278, and to report immediately.

The ayes and noes were demanded by Messrs. Reeve and Olds, which being ordered and taken resulted as follows:

Those who voted in the affirmative were: Senators Burrell, Coffey, Comstock, Davenport, Garrigus, Grubbs, Harris, Hart, Kahlo, Leeper, Menzies, Olds, Poindexter, Reeve, Taylor, Wilson and Winterbotham—17.

Those who voted in the negative were: Senators Benz, Briscoe, Cadwallader, Davis, Dice, Donham, Foster, Fowler, Hefron, Kent, Kramer, Langdon, Leeper, Mercer, Moore, Peterson, Reiley, Sarnighausen, Shaffer, Shirk, Smith, Tarlton, Traylor, Treat, Trusler, Urmstan, Viehe, Weir, Wood and Woollen—30.

So the motion was rejected.

The question recurring on the passage of the bill.

The ayes and noes were ordered and taken, resulting as follows:

Those who voted in the affirmative were: Senators Benz, Burrell, Cadwallader, Davenport, Dice, Foster, Fowler, Grubbs, Harris, Hart, Hefron, Kahlo, Kent, Kramer, Langdon, Leeper, Menzies, Mercer, Moore, Olds, Poindexter, Reiley, Sarnighausen, Shaffer, Smith, Tarlton, Taylor, Traylor, Treat, Urmstan, Viehe, Winterbotham, Wood and Woollen—34.

Those who voted in the affirmative were: Senators Briscoe, Coffey, Comstock, Davis, Donham, Garrigus, Peterson, Reeve, Shirk, Trusler, Weir and Wilson—12.

The bill passed.

The title of the bill was read and ordered by the Senate to stand approved as read.

The following message was received from the House by the Clerk thereof:

MR. PRESIDENT:

I am directed by the Speaker of the House to inform the Senate that the House has passed Engrossed House Bill No. 699, entitled "An act to amend section 9 of an act entitled an act supplemental to an act entitled an act to provide for the election, fixing the compensation, and prescribing the duties of the attorney-general," etc.

Also, Engrossed House Bill No. 513, entitled a bill to provide for redistricting incorporated towns, and providing the manner of electing certain officers, and prescribing their duties and powers," etc.

Also, Engrossed Senate Bill No. 56.

And the same are herewith transmitted to the Senate.

Engrossed House Bill No. 82, entitled "An act in relation to foreign express companies, defining their duties," etc., was read the third time, with the report of the special committee recommending its passage.

Which was concurred in.

The question being, shall the bill pass?

The ayes and noes were ordered and taken, resulting as follows:

Those who voted in the affirmative were: Senators Benz, Briscoe, Burrell, Cadwallader, Coffey, Comstock, Davenport, Davis, Donham, Foster, Fowler, Grubbs, Hart, Hefron, Kent, Kramer, Leeper, Major, Menzies, Mercer, Olds, Peterson, Poindexter, Reiley, Sarnighausen, Shaffer, Shirk, Smith, Tarlton, Taylor, Traylor, Treat, Trusler, Urmstan, Viehe, Wilson, Winterbotham, Wood and Woollen—39.

Senator Garrigus voting in the negative.

The bill passed.

The title was then read and ordered by the Senate to stand approved as read.

The following message was received from the House by the Clerk thereof:

MR. PRESIDENT:

I am directed by the Speaker of the House to inform the Senate that the House has passed engrossed House Bill No. 544, entitled "A bill to amend an act entitled an act for the protection of sheep."

Also, engrossed Senate Bill No. 458, entitled "An act to provide for the revision of the laws of the State of Indiana," etc., with the following amendment, to-wit:

Amend title as follows: Add after the word "Indiana" the following: "And the printing and binding thereof and other matters connected with the subject matter."

And the same are herewith transmitted to the Senate for its action thereon.

Also, that he has signed enrolled House Acts Nos. 642, 455 and 264, and the same are herewith transmitted to the Senate for the signature of the President thereof.

Mr. Reeve moved to concur in the House amendments to engrossed Senate Bill No. 458, entitled "An act providing for the revision and publication of the statute laws of the State."

Which was agreed to, and the House amendment was concurred in.

Engrossed House Bill No. 271, entitled "An act to amend sections 1, 2, 4 and 5 of an act entitled an act to authorize street or horse car railroad companies to use state, county or township highways under certain conditions," etc., was read the third time.

The question being, shall the bill pass?

The ayes and noes were ordered and taken, resulting as follows:

Those who voted in the affirmative were: Senators Benz, Briscoe, Cadwallader, Coffey, Comstock, Davenport, Davis, Donham, Foster, Fowler, Garrigus, Grubbs, Harris, Hart, Hebron, Kramer, Leeper, Major, Mercer, Poindexter, Reiley, Sarnighausen, Shaffer, Shirk, Smith, Tarlton, Taylor, Traylor, Trusler, Urmstan, Viehe, Weir, Wilson, Winterbotham, Wood and Woollen—36.

Those who voted in the negative were: Senators Reeve and Olds—2.

The bill passed.

The title of the bill was read and ordered to stand approved as read.

Engrossed House Bill No. 583, entitled "An act to authorize incorporated towns to light their streets with gas in certain cases," etc., was read the third time.

The question being, shall the bill pass?

The ayes and noes were ordered and taken, resulting as follows:

Those who voted in the affirmative were: Senators Benz, Briscoe, Burrell, Cadwallader, Comstock, Davis, Donham, Foster, Fowler, Garrigus, Grubbs, Harris, Hart, Hefron, Kahlo, Kent, Kramer, Leeper, Major, Mercer, Moore, Olds, Peterson, Poindexter, Reeve, Reiley, Shaffer, Shirk, Smith, Taylor, Traylor, Trusler, Urmstan, Weir, Winterbotham and Wood—36.

Those who voted in the negative were: Senators Coffey and Tarlton—2.

The bill passed.

The title of the bill was read and ordered by the Senate to stand approved as read.

Engrossed House Bill No. 132, entitled "An act to provide for the issuing of letters testamentary and of administration," etc., was read the third time.

The question being, shall the bill pass?

The ayes and noes were ordered and taken, resulting as follows:

Those who voted in the affirmative were: Senators Cadwallader, Coffey, Comstock, Davenport, Davis, Donham, Foster, Fowler, Garrigus, Grubbs, Harris, Hart, Hefron, Kahlo, Kramer, Langdon, Leeper, Major, Mercer, Moore, Peterson, Reiley, Shaffer, Shirk, Smith, Tarlton, Taylor, Traylor, Treat, Trusler, Urmstan, Viehe, Weir, Wilson, Winterbotham and Wood—36.

Senator Olds voting in the negative.

The bill passed.

The title of the bill was read and ordered by the Senate to stand approved as read.

Mr. Garrigus moved to reconsider the vote by which the Senate agreed to meet at 7½ o'clock this evening.

The ayes and noes were demanded by Messrs. Burrell and Viehe, which being ordered and taken, resulted as follows:

Those who voted in the affirmative were: Senators Benz, Briscoe, Cadwallader, Coffey, Davenport, Davis, Dice, Garrigus, Grubbs, Kahlo, Leeper, Major, Menzies, Moore, Olds, Shaffer, Tarlton, Traylor, Treat, Urmstan, Weir and Winterbotham—22.

Those who voted in the negative were: Senators Burrell, Comstock, Foster, Fowler, Hefron, Kent, Kramer, Langdon, Mer-
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cer, Peterson, Reeve, Shirk, Smith, T aylor, Trusler, Viehe, Wilson, Wood and Woollen—20.

The motion to reconsider was agreed to.

Mr. Trusler demanded a call of the Senate, which being ordered and taken, discovered the following Senators present and answering to their names :

Senators Benz, Briscoe, Burrell, Cadwallader, Coffey, Comstock, Davenport, Davis, Dite, Donham, Foster, Fowler, Garrigus, Grubbs, Harris, Hart, Hefron, Kahlo, Kent, Kramer, Langdon, Leeper, Major, Menzies, Mercer, Moore, Olds, Peterson, Poindexter, Reeve, Reiley, Shaffer, Shirk, Smith, Tarlton, Taylor, Traylor, Treat, Trusler, Urmstan, Viehe, Weir, Wilson, Winterbotham, Wood and Woollen—46.

On motion of Mr. Olds, further proceedings under the call were dispensed with.

The question being on the motion of Mr. Viehe to meet at 7:30 o'clock this evening.

The ayes and noes were demanded by Messrs. Viehe and Trusler, which being ordered and taken resulted as follows :

Those who voted in the affirmative were: Senators Comstock, Foster, Fowler, Garrigus, Hart, Hefron, Kramer, Langdon, Mercer, Peterson, Reeve, Reiley, Tarlton, Traylor, Trusler, Viehe, Wilson, Wood and Woollen—19.

Those who voted in the negative were: Senators Benz, Briscoe, Cadwallader, Davenport, Davis, Dice, Donham, Grubbs, Harris, Kahlo, Kent, Leeper, Major, Menzies, Moore, Olds, Sarnighausen, Shaffer, Shirk, Smith, Taylor, Treat, Weir and Winterbotham—24.

The motion was rejected.

Engrossed House Bill No. 17, entitled "An act to authorize aid to the construction of railroads by counties and townships taking stock in and making donations to railroad companies," etc., was read the third time, with the report of the judiciary committee recommending its passage with certain amendments.

Mr. Viehe moved that the bill be indefinitely postponed.

The ayes and noes were demanded by Messrs. Menzies and Hefron, which being ordered and taken, resulted as follows :

Those who voted in the affirmative were: Senators Benz, Briscoe, Burrell, Cadwallader, Coffey, Davis, Dice, Donham, Fowler, Garrigus, Hefron, Kent, Kramer, Leeper, Major, Mercer, Moore, Olds,

Peterson, Poindexter, Reiley, Shaffer, Smith, Tarlton, Taylor, Traylor, Treat, Trusler, Urmstan, Viehe and Wood—31.

Those who voted in the negative were: Senators Comstock, Davenport, Foster, Grubbs, Harris, Hart, Kahlo, Langdon, Menzies, Reeve, Sarnighausen, Shirk, Weir, Wilson and Winterbotham—15.

The motion to indefinitely postpone was agreed to.

The following message was received from the House by the Clerk thereof:

MR. PRESIDENT:

I am directed by the Speaker of the House to inform the Senate that the Speaker of the House has signed House Bill No. 414.

And the same is herewith transmitted to the Senate for the signature of the President.

House Concurrent Resolution No. 29, allowing the clerk and assistant clerk of the House \$200 each for preparing and indexing the Journal, etc., was read with the report of the committee recommending its adoption with certain amendments.

On motion of Mr. Langdon the resolution and report were laid on the table.

Mr. Comstock moved that Engrossed House Bill No. 20, entitled "An act creating a State Bureau of Statistics and Geology," etc., be taken up with the message of the House in relation thereto.

Which was agreed to.

The House message was read.

Mr. Sarnighausen moved that the Senate recede from its amendments to the bill.

The ayes and noes were demanded by Messrs. Foster and Traylor, which being ordered and taken, resulted as follows:

Those who voted in the affirmative were: Senators Briscoe, Cadwallader, Comstock, Davenport, Dice, Garrigus, Grubbs, Harris, Kahlo, Langdon, Moore, Poindexter, Reeve, Sarnighausen, Shirk, Smith, Taylor, Treat, Trusler, Viehe and Wilson—21.

Those who voted in the negative were: Senators Benz, Burrell, Coffey, Davis, Donham, Foster, Fowler, Hart, Hefron, Kramer, Leeper, Major, Menzies, Mercer, Olds, Peterson, Reiley, Shaffer, Tarlton, Traylor, Urmstan, Weir, Winterbotham and Wood—24.

The motion was rejected.

Mr. Harris moved that a committee of conference be appointed.

Mr. Coffey moved to lay that motion on the table.

The ayes and noes were demanded by Messrs. Fowler and Foster, which being ordered and taken, resulted as follows:

Those who voted in the affirmative were: Senators Benz, Burrell, Coffey, Davis, Donham, Foster, Fowler, Hart, Hefron, Kent, Kramer, Leeper, Major, Menzies, Peterson, Traylor and Urmstan—18.

Those who voted in the negative were: Senators Briscoe, Cadwallader, Comstock, Davenport, Dice, Garrigus, Grubbs, Harris, Kahlo, Langdon, Mercer, Moore, Olds, Poindexter, Reeve, Sarnighausen, Shaffer, Shirk, Smith, Tarlton, Taylor, Treat, Trusler, Viehe, Weir, Wilson, Winterbotham and Wood—28.

The motion to lay on the table was rejected.

The question recurring on the motion to appoint a committee of conference.

It was agreed to.

The chair announced as such conference committee on the part of the Senate, Senators Comstock and Coffey.

On motion of Mr. Weir, Senate Bill No. 144, entitled "An act to repeal all laws or parts of laws now in force providing for the levy of a cash or money poll tax," etc., was taken from the table and placed on the files.

Mr. Moore offered the following resolution:

WHEREAS, Engrossed House Bill No. 158, which was reported by the Senate on the 17th day of February, 1879, and on the 18th day of February, 1879, was read a first time; and

WHEREAS, Said bill was, on the 11th day of March, 1879, amended by the Senate to read as the bill hereto attached, as appears from the Senate Journal, and as so amended was read the second time and amendments engrossed; and

WHEREAS, Said bill, while on the files of the Senate has disappeared, and can not be found; therefore,

Resolved, That the substitute for said bill as amended and hereto attached shall now be placed on the files of the Senate, and shall stand in the same condition that the original bill stood when lost.

Mr. Reeve moved to refer the resolution and accompanying bill to a special committee of three, with instructions to ascertain if

possible, where the original bill is, and whether the bill attached to the resolution is the correct copy of the said original bill, and report to the Senate to-morrow morning at 9 o'clock.

Which was agreed to.

The chair appointed as such special committee, Messrs. Moore, Shirk and Coffey.

Mr. Kramer returned to the files of the Senate engrossed House bill No. 630.

The following message was received from the House by the Clerk thereof:

MR. PRESIDENT:

I am directed by the Speaker of the House to inform the Senate that the House has refused to concur in Senate amendments to Engrossed House Bill No. 20.

And the same is herewith returned to the Senate.

Mr. Coffey, from the committee on enrolled bills, submitted the following report:

MR. PRESIDENT:

Your joint committee on enrolled bills beg leave to report that they have examined enrolled Senate bill No. 197, entitled "An act to protect the ballot box," etc., and find the same to be correctly enrolled.

The chair laid before the Senate the following communication:

BLOOMINGTON, MARCH, 19, 1879.

To the President and Members

of the Indiana Senate:

GENTLEMEN: In behalf of the "Alumni Association of the Indiana University," and citizens of Bloomington, we invite you to visit our place to witness the exercises of the approaching "Semi-Centennial Commencement," June 9th, 10th and 11th, during which we tender the hospitalities of the city.

Hoping that yourself, and the Senate over which you preside, composed of representative men of the State, may be able to avail themselves of the opportunity to learn more about the Institution and its means of furnishing a thorough education to the young men of the State, we are

Most respectfully your obedient servants,

JOS. G. MCPHEETERS,

ROBERT C. FOSTER,

LEWIS BALLMAN,

Resident Committee Alumni Association.

On motion of Mr. Treat the communication was ordered to be spread upon the Journal of the Senate.

Engrossed Senate Bill No. 53, entitled "An act amending section 94 of an act to provide for the uniform assessment of property," etc., was read the third time.

The question being, shall the bill pass? .

The ayes and noes were ordered and taken, resulting as follows:

Those who voted in the affirmative were: Senators Briscoe, Cadwallader, Coffey, Comstock, Davenport, Davis, Dice, Fowler, Garrigus, Grubbs, Harris, Hart, Hefron, Kahlo, Kramer, Langdon, Mercer, Olds, Peterson, Poindexter, Shirk, Taylor and Wilson—23.

Those who voted in the negative were: Senators Benz, Burrell, Foster, Reeve, Reiley, Smith, Tarlton, Traylor, Trusler, Urmstan, Viehe, Winterbotham and Wood—13.

The bill failed to pass for want of a constitutional majority.

Mr. Smith asked and obtained leave to withdraw Senate Bills Nos. 124, 243 and 431.

Engrossed Senate Bill No. 78, entitled "An act to amend section 354 of the practice act," was read the third time.

The question being, shall the bill pass?

The ayes and noes were ordered and taken, resulting as follows:

Those who voted in the affirmative were: Senators Briscoe, Cadwallader, Comstock, Davenport, Fowler, Garrigus, Grubbs, Langdon, Leeper, Mercer, Olds, Poindexter, Reeve, Shirk, Smith, Taylor, Traylor, Treat, Trusler, Weir, Wilson and Winterbotham—22.

Those who voted in the negative were: Senators Benz, Burrell, Coffey, Davis, Dice, Donham, Foster, Harris, Hart, Hefron, Kahlo, Kent, Kramer, Peterson, Reiley, Sarnighausen, Tarlton, Urmstan and Viehe—19.

The bill failed to pass for want of a constitutional majority.

On motion of Mr. Harris Engrossed House Bill No. 620, entitled "An act to provide for a general system of common schools," etc., was read the second time with the report of the committee recommending its passage.

Mr. Sarnighausen moved that the report be concurred in.

The ayes and noes were demanded by Messrs. Foster and Benz, which being ordered and taken, resulted as follows:

Those who voted in the affirmative were: Senators Burrell, Cadwallader, Coffey, Comstock, Davis, Dice, Donham, Fowler, Grubbs, Harris, Kahlo, Kent, Leeper, Major, Mercer, Moore, Poin-dexter, Reeve, Reiley, Sarnighausen, Shirk, Tarlton, Taylor, Tray-lor, Treat, Trusler, Viehe, Wilson and Wood—29.

Those who voted in the negative were: Senators Benz, Foster, Garrigus, Hart, Olds, Smith, Urmstan and Winterbotham—8.

The report was concurred in.

The following message was received from the House by the Clerk thereof:

MR. PRESIDENT:

I am directed by the Speaker of the House to inform the Senate that the House has concurred in the Senate amendment to the title of engrossed House bill No. 179.

Also, in the Senate amendment to the title of engrossed House bill No. 263.

Also, in the amendment of the Senate to engrossed House bill No. 374.

And said information is respectfully transmitted to the Senate.

The following message was received from the House by the Clerk thereof:

MR. PRESIDENT:

I am directed by the Speaker of the House to inform the Senate that the House has passed engrossed House bill No. 16.

Also, that the House has passed engrossed Senate bill No. 195, with the following amendments:

Insert at the end of the section the following, viz:

Provided, If such owner is not the actual occupant of the premises sold, but the same be occupied by a tenant or other person, such tenant or other person shall be liable to the purchaser for the reasonable rent or use and occupation of the premises, and may be treated in all respects as the tenant of the purchaser, who shall, in case the property be redeemed, allow as a payment upon the judgment the amount of the rent by him collected. And further amend by inserting after the word "legal" in line 39 of section 3, the following, viz:

As to the right of redemption, but nothing herein contained shall be construed to change in any manner the priority of liens obtained or held by any of the creditors.

Amend by striking out the proviso of section 3.

And that he has appointed as the committee of conference upon the part of the House on House Bill No. 20, Messrs. Briggs and Watson.

And the same are herewith transmitted to the Senate.

On motion of Mr. Moore engrossed House Bill No. 158, entitled "A bill in relation to settlements made by boards of county commissioners with county, township and school officers," was read the first time and referred to the special committee consisting of Messrs. Moore, Shirk and Coffey.

The Senate adjourned.

(Approved.)

ISAAC P. GRAY,
President of the Senate.

THURSDAY MORNING.

MARCH 27, 1879.

The Senate met at 9 o'clock A. M., Lieutenant-Governor Gray in the chair.

The Journal of yesterday was being read, when, on motion of Mr. Wood, the further reading was dispensed with.

Mr. Sarnighausen moved to take up engrossed House Bill No. 620, entitled "An act providing for a general system of common schools," etc.

Which was agreed to.

Mr. Burrell, from the committee on the judiciary, reported engrossed House Bill No. 509, entitled "An act to provide for the redemption of property of foreign corporations," etc., with the report of the committee recommending its passage with certain amendments.

Which was placed on file without reading.

Mr. Peterson, from the committee on roads, reported engrossed House Bill No. 397, entitled "An act in relation to the vacation, location and change of highways," with the report of the committee recommending its passage.

Which was placed on file without reading.

Mr. Peterson, from the committee on roads, reported Engrossed House Bill No. 540, entitled "An act to amend section 18 of an act to provide for the opening of public highways," etc., with the report of the committee recommending that it lie upon the table.

Which was placed on file without reading.

Mr. Peterson, from the committee on roads, reported Engrossed House Bill No. 473, entitled "An act to legalize errors and imperfections in the description of macadamized and gravel roads in articles of association," etc., with the report of the committee recommending its passage.

Which was placed on file without reading.

The following message was received from the House by the Clerk thereof:

MR. PRESIDENT:

I am directed by the Speaker of the House to inform the Senate that the House has adopted the following resolution, to-wit:

WHEREAS, Engrossed Senate Bill No. 59 has been in some way lost or mislaid and can not now be found; therefore,

Resolved, That the Senate be respectfully requested to furnish to this House, as soon as possible, a copy of said proposed bill as it passed the Senate, in order that said bill may take its place on the files of the House of Representatives.

And said information is respectfully transmitted to the Senate for its action thereon.

Mr. Grubbs moved that the request of the House be complied with.

Which was agreed to.

Mr. Grubbs moved to reconsider the vote by which the report of the committee on Engrossed House Bill No. 620 was concurred in.

Which was agreed to.

Mr. Grubbs offered the following amendment to the report of the committee:

Amend section 30 by adding after the word "examination" in the third line from the conclusion of said section the following:

"Which shall be his full compensation for holding the examination, the examination of vouchers, issuing license and making the record of the results of the examination."

Which was adopted.

Mr. Grubbs, from the committee on enrolled bills, submitted the following report:

MR. PRESIDENT:

Your joint committee on enrolled bills beg leave to report that they have examined engrossed Senate bills Nos. 56 and 458 and find the same to be correctly enrolled.

Mr. Garrigus offered the following amendment to the report:

Strike out amendments by committee to section 32, being the proviso, all after the word following proviso.

Mr. Reeve moved that the amendment be indefinitely postponed.

Which was agreed to.

The report of the committee was then concurred in.

Mr. Menzies offered the following amendment to the bill:

Amend the bill by striking out the word "six," in line 17, section 45, and inserting in lieu thereof the word "ten," and by adding in the proviso to said section the following: "School furniture shall not be changed or renewed, nor shall any school building be refurnished with new furniture oftener than once in ten years, unless by unanimous vote of all the members of such board;" and, also, "the text-books in cities shall not be changed oftener than once in ten years, unless by unanimous consent of the school board of such city."

Which was adopted.

Mr. Comstock offered the following amendment:

Amend section 44 by striking out all of said section after the word "township," in line 18.

Which was agreed to.

Mr. Sarnighausen offered the following amendment:

Amend section 22 by adding the following, viz: And the school trustees of cities and incorporated towns shall, on or before the first day of September in each year, file a copy of said report with the city clerk, or with the clerk of the board of trustees of incorporated towns in their respective corporations; *Provided*, That the common councils of cities or boards of trustees of incorporated towns may at any time require reports of the board of the school trustees on any of the above named matters.

Which was adopted.

Mr. Hart offered the following amendment:

Amend the bill by striking out all that relates to county superintendents visiting schools.

Mr. Fowler moved to reject the amendment.

Which was agreed to.

The following message was received from the House by the Clerk thereof:

MR. PRESIDENT:

I am directed by the Speaker of the House to inform the Senate that the House has passed engrossed House Bill No. 693, entitled "An act to authorize Thomas Wren to institute and prosecute a suit against the city of Indianapolis to recover money claimed to be due to him from said city."

Also, engrossed House Bill No. 229, entitled "An act to amend section 9 of an act entitled an act touching the relation of guardian and ward," etc.

Also, engrossed House Bill No. 657, entitled "An act to amend section 642 of the practice act in civil cases."

Also, engrossed Senate Bill No. 37, entitled "An act to enable the board of commissioners to dispose of uncalled for allowances."

Also, engrossed House Bill No. 353, entitled "An act providing that certain publications therein named shall be newspapers within the meaning of the law."

Also, engrossed Senate Bill No. 381, entitled "An act to provide for legal and official printing."

Also, that he has signed enrolled Senate Acts Nos. 56, 197 and 458.

And the same are herewith transmitted to the Senate.

Mr. Urmstan offered the following amendment:

Amend section 28 by striking out all up to the word "employed," in line — and insert the following: "The trustee of any township shall employ the teacher whom a majority of the patrons or those having custody of the school children in the school district, have decided at any regular school meeting they wish employed."

Mr. Sarnighausen [moved that the amendment be indefinitely postponed.

The ayes and noes were demanded by Messrs. Urmstan and Fowler, which being ordered and taken, resulted as follows:

Those who voted in the affirmative were: Senators Cadwallader, Comstock, Davenport, Fowler, Garrigus, Grubbs, Harris, Kahlo,

Langdon, Menzies, Mercer, Moore, Olds, Reeve, Sarnighausen, Taylor and Treat—17.

Those who voted in the negative were: Senators Benz, Briscoe, Burrell, Coffey, Davis, Dice, Donham, Foster, Hart, Hefron, Kent, Kramer, Leeper, Major, Peterson, Ragan, Shirk, Traylor, Trusler, Urmstan, Viehe, Weir, Wilson, Winterbotham, Wood and Woollen—26.

The motion was rejected.

The question recurring on the adoption of the amendment.

It was agreed to.

The following message was received from the House by the Clerk thereof:

MR. PRESIDENT:

I am directed by the Speaker of the House to inform the Senate that he has signed Enrolled House Acts Nos. 377 and 583.

Also, that the House has passed Engrossed House Bill No. 581, entitled "An act to amend section 1 of the voluntary assignment law."

And the same are herewith transmitted to the Senate.

Mr. Coffey moved to reconsider the vote by which the report of the committee was concurred in.

Which was rejected.

The Senate amendments to the bill were ordered engrossed.

Mr. Harris moved that the Senate amendments be considered as engrossed, the bill read the third time now and put upon its passage.

Which was agreed to.

The following message was received from the House by the Clerk thereof:

MR. PRESIDENT:

I am directed by the Speaker of the House to inform the Senate that he has signed Enrolled Senate Act No. 381, and Senate Joint Resolution No. 45.

And the same are herewith returned to the Senate.

The Senate adjourned.

AFTERNOON SESSION.

MARCH 27, 1879.

Senate reassembled at 2 o'clock, P. M., Lieutenant-Governor Gray in the chair.

Engrossed House Bill No. 620 was read the third time.

Mr. Burrell demanded a call of the Senate, which, being ordered and taken, discovered the following Senators present and answering to their names :

Senators Briscoe, Burrell, Cadwallader, Coffey, Comstock, Davenport, Donham, Fowler, Garrigus, Grubbs, Harris, Hart, Hefron, Kahlo, Kent, Langdon, Leeper, Major, Menzies, Mercer, Olds, Peterson, Poindexter, Reeve, Reiley, Sarnighausen, Shaffer, Shirk, Streight, Tarlton, Taylor, Traylor, Treat, Trusler, Urmstan, Viehe, Weir, Wilson, Winterbotham, Wood and Woollen—45.

On motion, by Mr. Sarnighausen, further proceedings under the call were dispensed with.

By the unanimous consent of the Senate the following words were stricken out of the last two lines of section 45, chapter 8: " Within three years from the date of its adoption," and the following words inserted in lieu thereof: " Until the expiration of the time for which it was adopted."

The question being, shall the bill pass?

The ayes and noes were ordered and taken, resulting as follows:

Those who voted in the affirmative were: Senators Briscoe, Cadwallader, Coffey, Davenport, Donham, Fowler, Grubbs, Harris, Hefron, Kahlo, Kent, Langdon, Leeper, Major, Menzies, Mercer, Moore, Olds, Peterson, Poindexter, Ragan, Reeve, Reiley, Sarnighausen, Shaffer, Shirk, Smith, Streight, Tarlton, Taylor, Traylor, Treat, Trusler, Urmstan, Viehe, Wilson, Winterbotham, Wood and Woollen—38.

Those who voted in the negative were ; Senators Benz, Burrell, Garrigus, Hart, Weir and Woollen—6.

The bill passed.

The title of the bill was read and ordered by the Senate to stand approved as read.

On motion of Mr. Viehe engrossed House amendments to engrossed Senate Bill No. 195 were read and concurred in.

Mr. Moore, from the special committee to which was referred engrossed House Bill No. 158, entitled "An act in relation to settlements made by boards of county commissioners with county, township and school officers," reported the same back with a majority report recommending its passage with certain amendments, and a minority report recommending its indefinite postponement, which were read.

The following message was received from the House by the clerk thereof:

MR. PRESIDENT:

I am directed by the Speaker of the House to inform the Senate that the House has passed Engrossed Senate Bill No. 59.

Also, Engrossed Senate Bill No. 198.

Also, Engrossed Senate Bill No. 432.

And the said Senate bills are herewith returned to the Senate.

Also, that the House has passed Engrossed House Bill No. 674, entitled "An act to define certain practice in the various courts, etc., and declaring an emergency."

And the same is herewith transmitted to the Senate for its action thereon.

Also that he has signed Enrolled House Acts Nos. 623 and 368, and the same are herewith transmitted to the Senate for the signature of the President thereof.

Mr. Kent, from the conference committee to which was referred Engrossed House Bill No. 344, reported as follows:

MR. PRESIDENT:

Your committee on conference, to which was referred House Bill No. 344, with Senate and House amendments and disagreements thereto, has conferred, and as the result of such conference have agreed to the following settlement of the differences between the

two Houses, and respectfully ask that the action of the conference committee be concurred in.

J. V. KENT,
Senator from Clinton and Boone counties.

W. A. MOORE,
Senator from Decatur and Rush counties.

WALTER MARCH,
Representative from Delaware county.

LYCURGUS DALTON,
Representative from Lawrence county.

Sec. 6. Amend by striking out "\$1,500" in line 8, and inserting "\$1,200" in lieu thereof.

Sec. 7. Strike out "one thousand" and insert "twelve hundred" in line 1.

Sec. 10. Strike out in line 1 the word "three thousand" and insert in lieu thereof the word "twenty-five hundred."

Sec. 11. Strike out in lines 1 and 2 the word "two thousand" and insert in lieu thereof the words "twenty-five hundred."

Sec. 12. Strike out in line 1 the words "one thousand" and insert "twelve hundred" in lieu thereof.

Sec. 15. Strike out all after the word "one" in lines 21 and 22, and insert after "one" in line 21, "50."

Sec. 16. Strike out the figures "10" in line 10, and insert in lieu thereof the word "eight."

Sec. 16. Strike out the word "one" in line 15 and insert in lieu thereof the word "four." Strike out the figure "10" after the word "words" in line 15 and insert in lieu thereof the figure "30."

Sec. 16. Strike out after the figure "25" in line 18 and insert in lieu thereof the following: "And when the number of words in such entry is less than three hundred words, for each entry, 25 cents; when the entry exceeds three hundred words, 10 cents per one hundred words."

Sec. 16. Strike out lines 24, 25, 26 and 27.

Sec. 16. Add after the word "vouchers" in line 28 the words "and ballots."

Sec. 16. Strike out figure "50," line 43, and insert in lieu thereof the figure "25."

Sec. 16. Strike out in line 47 all after the word "own" and insert "50 cents." Strike out lines 48 and 49. Strike out in same section lines 55, 56 and 57.

Sec. 16. Strike out the figure "25" in line 58 and insert in lieu thereof the figure "20."

Sec. 16. Strike out lines 61 and 62.

Sec. 16. Strike out in line 66 "\$2" and insert in lieu "\$1.50."

Sec. 16. Strike out in line 77 the figure "\$1" and insert in lieu thereof "\$2" (docket fee). Add to section 16 the following: "For each certificate and seal, 50 cents."

Sec. 19. Add after the word "office" in line 7 the following: "And for attending the criminal and superior courts, per day, and entering the record of the court either in person or by deputy, the clerk shall receive two dollars, to be allowed by the judge of said court and paid out of the county treasury."

Sec. 20. Strike out lines 6, 7, 8 and 9, and insert in lieu thereof the following: "For filing and entering of record report of executor or administrator, for each 100 words, four figures counting as one word, 8 cents."

Sec. 20. Strike out lines 32, 33 and 38.

Sec. 22. Strike out the word "thirteen," in line 1, and insert the word "twelve" in lieu thereof.

Sec. 22. Strike out the word "thirteen," in line 8, and insert the word "twelve" in lieu thereof.

Sec. 23. Strike out in line 14 "fifty cents" and insert in lieu thereof "twenty-five cents."

Sec. 23. Strike out all after the word "filed," in lines 26 and 27, and insert in lieu thereof "and for filing each paper required by law to be filed he shall receive one cent."

Sec. 23. Strike out lines 8 and 9.

Insert the following section:

Sec. 29½. The treasurer of each county shall be allowed the sum of \$800 per annum as such officer and no more, and the same shall be allowed by the board of county commissioners in quarterly installments at the regular sessions in March, June, September and December, paid out of any moneys in the treasury belonging to the county not otherwise appropriated.

Sec. 30. County treasurers shall also charge and receive as a further compensation at the rate of one per centum on the first one hundred thousand dollars of taxes by them collected, and on all sums collected in excess thereof one-half of one per centum. They shall also receive and retain out of all delinquent taxes collected six per centum when paid voluntarily and without levy, and six per centum if paid after levy; and the treasurer shall be allowed the same fees and charges for making distress and sale of goods and chattels for the payment of taxes as may be allowed by law to constables for making levy and sale of property on execution. Treasurers shall, for their services in going to Indianapolis and returning by the nearest route by railroad to make their semi-annual settlement with the State Treasurer, receive from the State treasury at the rate of ten cents per mile.

Section 31. The county commissioners' fees shall be as follows, to-wit: For each days' attendance as member of the county board or board of equalization, each commissioner shall receive \$3.50.

Section 32. The per diem of township trustees shall be as follows, to-wit: For each actual day's service they shall be allowed to be paid out of the township funds, \$2. *Provided*, That for all services as overseers of the poor, said township trustee shall be paid out of any funds in the county treasury not otherwise appropriated, on the order of the board of county commissioners.

Township Assessors.

Section 33. Township assessors shall receive for each day's actual service the sum of \$2.

Section 34. Fees of jurors in the circuit, superior and criminal courts of this State shall be per day while in actual attendance \$1.60.

And for each mile necessarily traveled in going and returning, 5 cents.

For each day's attendance before a justice of the peace, 75 cents.
And for each mile necessarily traveled, 5 cents.

Section 35. For each mile necessarily traveled in going and returning to serve process and subpoena, 10 cents.

Amend by changing numbers of sections of bill 29, 30, 31, 32, 33 and 34, to numbers 36, 37, 38, 39, 40 and 41.

Strike out sections 26 and 27, and substitute the following:

Section 26. The Sheriffs of the several counties of the State shall tax and charge the following fees and none other, to-wit:

For serving a writ in criminal cases and taking into custody, 25 cents.

For each mile necessarily traveled in going and returning to serve process, 10 cents.

For taking bail on execution, 20 cents.

For taking recognizance, 20 cents.

Returning writ, 10 cents.

For summoning a jury of twelve men, with mileage as above, 75 cents.

For summoning a jury of less than twelve men, 10 cents for each juror served, with mileage as above, 10 cents.

For returning a writ of possession and mileage as above, 50 cents.

For discharging each prisoner from jail, 20 cents.

For holding an inquisition and drawing it up in form and returning the same, 50 cents.

For removing persons to the Insane Asylum, House of Refuge or Reformatory for Women and Girls, the same compensation as allowed for taking convicts to the State Prison, to be paid out of the county treasury.

For serving each person named in a summons or a subpoena, with mileage as above, all such service must be made by the sheriff or deputy, and his return endorsed thereon, 35 cents.

And for each copy required, 25 cents.

Selling property on execution or decree, a commission of three per centum on the first \$300, and one and one-half per centum on any excess above that amount, but when the money is paid to him without sale, one-half of the above commission only shall be allowed and mileage as above.

Taking valuation of lands, 25 cents.

Taking replevin bond, 25 cents.

Serving a *capias ad satisfaciendum*, 25 cents.

Levying on property and advertising the same, with mileage as above, \$1.

When no money is made no other fee or reward shall be allowed on execution except for the expense of keeping property and expense incurred in removing and storing property.

Making a certificate of sale on execution or decree, \$1.

For making a deed, \$1.

Calling and impannelling a jury, 25 cents.

Serving a writ of attachment where property is taken, with mileage as above, 20 cents.

For each day employed in making inventory and appraisement of property taken under writ of attachment, \$2.

For docketing each case on sheriff's docket, 10 cents.

Returning same, 20 cents.

For the actual number of miles necessarily traveled in going and returning to post up notices for the sale of any real or personal property, to be taxed and collected as the other costs in the cause are taxed, for each mile necessarily traveled, 10 cents.

For taking each convict to the State prison, per mile going and returning by the nearest route, 15 cents; and for each additional convict taken at the same time, the actual expenses of additional convicts shall be paid out of the State treasury on certificate of the Warden of the prison. Sheriffs shall not be entitled to any fees for services performed by their bailiffs when such bailiffs are receiving pay by the day from the county at the time such services are rendered. The sheriffs shall appoint as many bailiffs at each term of the court as the business of the court and grand jury shall require, under the advice and consent of the judge of the court as to the number required.

Pay of court bailiffs shall be \$1.50 per day.

In counties where there are criminal and superior courts, the judges of said courts may appoint a bailiff, such bailiff's per diem not to exceed \$2.50.

The fees taxed on any process served by bailiffs being paid by the county shall be collected and paid into the county treasury and shall belong to the county.

For boarding each prisoner lawfully in his charge, per day, 40 cents, to be paid out of the county treasury.

In criminal cases not provided for, the like fees as for services in civil cases shall be allowed.

For collecting fee bills, except for his own fees, six per cent. on the amount collected. All costs shall be collectable without any relief from valuation or appraisement laws of the State of Indiana.

For taking a prisoner to any other county on any warrant issued by the clerk, the same compensation as allowed for taking a prisoner to the state prison, to be paid by the county requiring the service, to be allowed by the court.

For each commitment or discharge of a prisoner under the authority of any city or incorporated town, to be paid by such incorporated town, 20 cents.

Sec. 27. In all cases where the sheriff shall perform any service for the county required by law to be performed by him, and there

is no provision for its payment, the board of county commissioners shall allow and pay such sheriff the same compensation as is allowed by law for similar services, but the sheriff shall make out an itemized statement of all such services performed for such county before such allowance is made, but such allowance shall not be made unless such statement shall be filed with the auditor ten (10) days before the commissioners' court meets, and any citizen may resist the allowance of said account.

For attending court in person or by deputy for each actual day's attendance, \$2.

Advertising growing out of any duty of any city, county or township officer, executors, administrators, guardians, trustees and assignees (except the printing of the delinquent tax list), shall be by such officer charged up, collected and paid over to the printer.

And when such printing is done for the county the board of county commissioners shall allow the same and pay it out of the county treasury, according to the rate herein fixed.

And the compensation for such printer for such advertising shall be as herein set forth, to-wit:

For each advertisement per square, of 250 ems, first insertion, \$1.

For each additional insertion, 50 cents: *Provided*, That said advertisement shall be set in solid reading type of the same size as that in which the body of the ordinary business advertising in said paper is set, without any leads or other devices for increasing the space except as hereinafter specified, and said advertisement shall be set up without more than two display lines to each advertisement, neither of which display lines shall occupy space greater than four solid lines of the ordinary reading type in which the body of said advertisement is set, and in case such officers shall be unable to procure such advertisement for the price fixed herein, it shall be sufficient for him to post up written or printed notices as the law requires, and such advertisement in a newspaper shall be dispensed with.

Mr. Woollen moved that the report of the conference committee be laid on the table and made the special order for to-morrow at 9 o'clock.

The ayes and noes were demanded by Messrs. Traylor and Woollen, which being ordered and taken, resulted as follows:

Those who voted in the affirmative were: Senators Benz, Coffey, Foster, Fowler, Garrigus, Hart, Kramer, Olds, Poindexter,

Ragan, Reeve, Sarnighausen, Shaffer, Shirk, Smith, Taylor, Urmstan, Weir, Wilson and Woollen—20.

Those who voted in the negative were: Senators Briscoe, Burrell, Cadwallader, Comstock, Davenport, Donham, Grubbs, Harris, Hefron, Kahlo, Kent, Leeper, Major, Menzies, Mercer, Moore, Peterson, Reiley, Streight, Tarlton, Traylor, Treat, Trusler, Viehe, Winterbotham and Wood—26.

The motion to lay on the table was rejected.

Mr. Menzies moved that the report be concurred in.

The ayes and noes were demanded by Messrs. Benz and Foster, which being ordered and taken, resulted as follows:

Those who voted in the affirmative were: Senators Briscoe, Cadwallader, Comstock, Davenport, Davis, Foster, Fowler, Grubbs, Harris, Hart, Hefron, Kahlo, Kent, Kramer, Langdon, Leeper, Major, Menzies, Moore, Olds, Peterson, Ragan, Reiley, Smith, Streight, Tarlton, Traylor, Trusler, Urmstan, Viehe, Wood and Woollen—32.

Those who voted in the negative were: Senators Benz, Burrell, Coffey, Garrigus, Mercer, Poindexter, Reeve, Sarnighausen, Shaffer, Shirk, Taylor, Treat, Weir, Wilson and Winterbotham—15.

The report was concurred in.

The following message was received from the House by the Clerk thereof:

MR. PRESIDENT:

I am directed by the Speaker of the House to inform the Senate that the House has refused to concur in the report of the committee of conference on engrossed House bill No. 22, and respectfully requests of the Senate that another committee of conference be appointed, and the Speaker has appointed as such committee on the part of the House, Messrs. Shanks and Humphries.

Mr. Comstock, from the conference committee on engrossed House Bill No. 20, and the Senate amendments thereto submitted the following report:

MR. PRESIDENT:

The committee of conference appointed upon engrossed House Bill No. 20, and the Senate amendments thereto, have had the same under consideration and have agreed upon the following report, and recommend the adoption of the same by the Senate:

First. That the Senate recede from its amendment to section 3.

Second. That the Senate recede from its amendment to section 4.

Third. That the House agrees to the Senate amendment to section 6 fully set forth as follows:

Amend section 6 by striking out in lines 3 and 4 the words "one thousand five," and insert in lieu thereof, the word "twelve."

Fourth. Strike out in line 8, same section, the words "three thousand," and insert in lieu thereof the word "twenty."

Fifth. And we recommend the following additional amendment: Add after the word "act," in line 27, section 6, the following: "And provided further that no greater expenditure of money or liability therefor shall be made or incurred by the chief of said bureau or his assistants for carrying into effect the provisions of this act."

Sixth. Strike out in lines 22 and 23, section 4, the words, "to send for persons and papers."

Seventh. Strike out all in lines 30, 31, 32, 33 and 34, in section 4.

E. L. WATSON,
JOHN C. BRIGGS,
House Committee.

RICHARD L. COFFEY,
DANIEL W. COMSTOCK,
Senate Committee.

The question being on concurring in the report.

The ayes and noes were demanded by Messrs. Foster and Traylor, which being ordered and taken, resulted as follows:

Those who voted in the affirmative were: Senators Comstock, Cadwallader, Davenport, Davis, Donham, Garrigus, Grubbs, Harris, Kahlo, Kent, Langdon, Major, Menzies, Mercer, Moore, Olds, Peterson, Poindexter, Ragan, Reeve, Sarnighausen, Shaffer, Smith, Streight, Taylor, Treat, Trusler, Wilson, Wood and Woollen—30.

Those who voted in the negative were: Senators Benz, Burrell, Foster, Hefron, Kramer, Leeper, Reiley, Shirk, Tarlton, Traylor, Urmstan and Winterbotham—14.

The report was concurred in.

Mr. Reeve submitted the following appeal:

Be it remembered that, on March 26, a resolution alleging the loss of House Bill No. 158, which was pending on the Senate files, as amended in the Senate, with a substitute, committee report, and amendments attached, was presented to the Senate with a copy of the bill as originally filed, before amending; and a special committee was appointed to inquire if the same was lost and where it is

and if the copy presented with the resolution is a true copy, and to report on the morning of the 27th of March, at 9 o'clock, which committee has not reported.

Afterwards, a paper claimed to be a copy of the bill No. 158, as engrossed in the House and not as pending in the Senate, was presented and read a first time, without evidence of loss, and with no record evidence by report or otherwise of that fact, and without unanimous consent, and referred to a special committee, who reported thereon by the minority and majority, the latter recommending amendments, and the question presented was concurring in the reports; which reports being read I rose to a point of order. First, there was no report of the special committee appointed to inquire if the bill 158 was lost.

There is no evidence the bill is lost, and if lost, only a copy with all its attachments as it was when lost, can be filed.

The bill having been passed by the House and amended in the Senate, and lost from the files—if it is lost—if a copy of the bill is to be obtained from the House it must come certified as a copy at the time it was lost.

If introduced here as a new bill it is not as a lost bill, and it can only be done by unanimous consent, and such consent has not been given nor asked.

It can not be introduced here as a new bill and also as a lost bill that has passed the House and been amended in the Senate.

Objection was made by me to its introduction, unless in the condition when it passed from the files.

No unanimous consent has been asked or granted.

Therefore the bill now presented is not the original bill restored as it was when lost, nor a new bill but a copy of a lost bill, with no evidence that the original is lost, and the Senate can not consider it until report by the special committee appointed to ascertain if the bill is lost, and its condition when lost.

Which point of order the chair overrules.

I respectfully appeal from the decision of the chair to the Senate, and ask that the appeal be allowed and the question be submitted to the Senate.

C. H. REEVE.

March 27, 1879.

I join in the above appeal.

RICHARD L. COFFEY.

Mr. Wilson moved to lay the appeal on the table.

The ayes and noes were demanded by Messrs. Reeve and Trusler, which being ordered and taken, resulted as follows:

Those who voted in the affirmative were: Senators Davenport, Donham, Fowler, Garrigus, Grubbs, Harris, Hefron, Kahlo, Kramer, Langdon, Mercer, Moore, Olds, Peterson, Poindexter, Ragan, Reiley, Shaffer, Shirk, Smith, Tarlton, Treat, Trusler, Urmstan, Weir and Wilson—26.

Those who voted in the negative were: Senators Benz, Briscoe, Burrell, Coffey, Comstock, Hart, Leeper, Major, Menzies, Reeve, Taylor, Traylor, Winterbotham, Wood and Woollen—15.

The motion to lay on the table was agreed to.

Mr. Reeve moved that the minority report of the committee on engrossed House Bill No. 158 be concurred in.

Mr. Moore demanded the previous question.

Which was seconded by the Senate.

The main question was ordered. The question being on the motion to concur in the minority report.

The ayes and noes were demanded by Messrs. Olds and Reeve, which being ordered and taken, resulted as follows:

Those who voted in the affirmative were: Senators Briscoe, Burrell, Coffey, Fowler, Hart, Menzies, Reeve and Traylor—8.

Those who voted in the negative were: Senators Benz, Cadwallader, Davenport, Davis, Donham, Foster, Garrigus, Grubbs, Harris, Hefron, Kent, Kramer, Langdon, Major, Mercer, Moore, Olds, Peterson, Poindexter, Ragan, Reiley, Sarnighausen, Shaffer, Shirk, Smith, Tarlton, Taylor, Treat, Trusler, Urmstan, Viehe, Weir, Wilson, Winterbotham and Woollen—35.

The minority report was not concurred in.

On motion of Mr. Moore, the majority report of the committee was concurred in.

Mr. Moore moved that the bill be read a second time.

Which was agreed to.

Engrossed House Bill No 158 was read the second time and placed on the calendar for third reading.

Mr. Reeve moved to take up Senate Bill No. 286, entitled "An act in relation to voting in case of levy of special taxes or assessments by towns, cities and other authority," etc.

Mr. Trusler moved to substitute House Bills on second reading.

Which was agreed to.

Engrossed House Bill No. 589, entitled "An act to authorize the township trustee of Union township, Union county, Indiana, to pay certain indebtedness incurred by the former trustee of said township," etc., was read the second time and placed on the file for third reading.

Engrossed House Bill No. 549, entitled "An act to provide for the more speedy trial of causes and facilitate the transaction of business of courts," etc., was read the second time and passed to third reading.

Engrossed House Bill No. 608, entitled "An act for the relief of Aaron Combs and others," was read the second time, with the report of the committee recommending its passage.

Which was concurred in.

Engrossed House Bill No. 467, entitled "An act to amend section 18 of an act entitled an act regulating descents and the apportionment of estates, approved May 14, 1852," was read the second time.

Mr. Menzies moved to suspend the constitutional rule, read the bill the third time and put it upon its passage.

Mr. Burrell moved to take up Senate bills on second reading.

Which was rejected.

The question being on the motion to suspend the constitutional rule. •

The ayes and noes were ordered and taken, resulting as follows:

Those who voted in the affirmative were: Senators Davenport, Fowler, Harris, Hefron, Kent, Kramer, Major, Menzies, Mercer, Olds, Peterson, Reeve, Sarnighausen, Shaffer, Shirk, Streight, Tarlton, Traylor, Urmstan, Viehe, Weir, Winterbotham, Wood and Woollen—25.

Those who voted in the negative were: Senators Burrell, Donham, Foster, Garrigus, Grubbs, Ragan, Taylor, Trusler and Wilson—9.

The constitutional rule was not suspended for want of a constitutional majority.

Engrossed House Bill No. 32, entitled "An act in relation to prosecutions of felonies by affidavit and information in certain cases," was read the second time with the report of the committee recommending its passage.

Which was concurred in.

Engrossed House Bill No. 477, entitled "An act to define and punish the crime of burglary and house-breaking," was read the second time.

Mr. Traylor moved to refer the bill to the judiciary committee. Which was agreed to.

On motion by Mr. Harris the committee was instructed to report to-morrow at 9 o'clock A. M.

Leave of absence was asked and obtained for Mr. Viehe for one hour.

Engrossed House Bill No. 310, entitled an act to allow sheriffs and constables having a State warrant to serve, to follow the defendant into an adjoining county, and make a legal arrest without hindrance," was read the second time and passed to a third reading.

Engrossed House Bill No. 192, entitled "An act to legalize the incorporation of the town of Butler, DeKalb county, Indiana," etc., was read the second time, with the report of the committee recommending its passage.

Which was concurred in.

The following message was received from the House by the Clerk thereof:

MR. PRESIDENT:

I am directed by the Speaker of the House to inform the Senate that the House has passed engrossed Senate Bill No. 267, entitled "An act to amend section 1 of an act entitled an act to amend sections 550 and 551 of the practice act."

Also, engrossed Senate Bill No. 331, entitled "An act to amend section 1 of an act entitled an act authorizing school trustees at a city or incorporated town to pay over to such city or town surplus special school revenue," etc.

And the same are herewith returned to the Senate.

Also, that the House has adopted House Concurrent Resolution No. 40, in regard to paying for statutes.

Also, that the House has passed engrossed House Bill No. 160, entitled "An act to amend section 27 of an act regulating descents and the apportionment of estates, approved May 14, 1852."

And the same are herewith transmitted to the Senate.

Also, that the Speaker has signed enrolled House Acts Nos. 383, 132, 687, 271 and 179.

And the same and all are herewith transmitted to the Senate for the signature of the President thereof.

Engrossed House Bill No. 286, entitled "An act to amend section 1 of an act entitled an act to amend sections 4 and 6 of an act entitled an act prescribing the powers and duties of coroners," etc., was read the second time, with the report of the committee recommending its passage.

Which was concurred in.

Engrossed House Bill No. 115, entitled "An act to amend section 1 of an act entitled an act for the protection of the Sabbath," etc., was read the second time, with the report of the committee recommending its passage.

Which was concurred in.

Engrossed House Bill No. 290, entitled "An act to provide for the regulation of the running at large of all kinds of animals within the different townships and parts of townships in the different counties of this State," etc., was read the second time, with the report of the committee recommending its passage.

Which was concurred in.

Mr. Coffey, from the committee on enrolled bills, submitted the following report:

MR. PRESIDENT:

Your joint committee on enrolled bills have examined Enrolled Senate Bill No. 37 and find the same to be correctly enrolled.

Engrossed House Bill No. 560, entitled "An act for the relief of John J. Justice and others," was read the second time, with the report of the committee recommending its passage.

Which was concurred in.

Engrossed House Bill No. 420, entitled "An act for the relief of Alexander Ingles and others," was read the second time and passed to the third reading.

Engrossed House Bill No. 621, entitled "An act to legalize the assessment and levy of taxes made by the common council of the city of Kendallville for general city purposes," etc., was read the second time with the report of the committee recommending its passage.

Which was concurred in.

Mr. Reeve moved to take up Senate bills on second reading.
Which was agreed to.

Senate bills on second reading:

Senate Bill No. 45, entitled "An act requiring township trustees to levy taxes for one fund for the use and benefit of another fund," etc., coming up, Mr. Grubbs moved that it be indefinitely postponed.
Which was agreed to.

Senate Bill No. 64, entitled "An act for the prevention of frauds and perjuries, and requiring certain documents to be in writing," etc., coming up, the report of the committee recommending that the bill be indefinitely postponed, was read and concurred in.

Mr. Reeve moved to reconsider the vote by which the Senate refused to concur in the report.

Mr. Benz demanded a call of the Senate, which being ordered and taken, discovered the following Senators present and answering to their names:

Senators Benz, Briscoe, Burrell, Cadwallader, Coffey, Davenport, Davis, Dice, Donham, Foster, Fowler, Garrigus, Grubbs, Harris, Hart, Kramer, Langdon, Major, Menzies, Mercer, Olds, Poindexter, Ragan, Reeve, Sarnighausen, Shirk, Smith, Streight, Tarlton, Taylor, Traylor, Trusler, Urmstan, Viehe, Weir, Wilson, Winterbotham, Wood and Woollen—39.

Mr. Reeve moved that the absentees be sent for.
Which was rejected.

On motion by Mr. Olds, further proceedings under the call were dispensed with.

Leave of absence was asked and obtained for Mr. Dice for this afternoon.

The question being on the motion to reconsider the vote by which the Senate refused to concur in the report of the committee on Senate Bill No. 64.

It was rejected.

Mr. Harris, from the committee of conference, to which was referred Engrossed House Bill No. 22, entitled "An act to exempt property from sale on execution and attachment in certain cases," etc., submitted the following report:

MR. PRESIDENT:

Your committee of conference on House Bill No. 22, on the subject of exemption of homesteads, have had the matters of difference between the two Houses under consideration, and have not been able to come to a full agreement.

First. On the question of exemption, irrespective of a homestead, the committee were agreed that the law should be amended so as to increase the amount of property exempt from execution to the sum of \$500.

Second. On the question of providing a homestead as fixed by the Senate amendments, the committee were not able to agree, Messrs. Connor and Harris favoring such amendments, and Messrs. Tarlton and Dailey opposing the same.

Your committee therefore submit the matters of difference to the two Houses for action thereon.

CALEB B. TARLTON,

Senator from Johnson and Shelby counties.

ADDISON C. HARRIS,

Senator from Marion county.

JOSEPH S. DAILEY,

Representative from Adams and Wells counties.

JOHN B. CONNOR,

Representative from Marion county.

Mr. Reeve moved that the report be laid on the table, the committee discharged, and a new committee of conference appointed by the chair.

Which was agreed to.

The chair announced as such conference committee on the part of the Senate, Messrs. Grubbs and Fowler.

On motion of Mr. Sarnighausen engrossed House Bill No. 460, was referred to the committee on corporations without reading.

Senate Bill No. 90, entitled "An act defining what shall be the salary of the Governor," etc., coming up it was indefinitely postponed without reading.

The following message was received from the House by the Clerk thereof:

MR. PRESIDENT:

I am directed by the Speaker of the House to inform the Senate that he has signed enrolled House Acts Nos. 263, 640 and 82.

And the same are herewith transmitted to the Senate for the signature of the President thereof.

The following message was received from the House by the Clerk thereof:

MR. PRESIDENT:

I am directed by the Speaker of the House to inform the Senate that the House has concurred in the report of the conference committee on engrossed House Bill No. 344.

And said information is respectfully transmitted to the Senate.

Mr. Fowler moved to take up Senate bill No. 456, entitled "An act on the subject of State prisons."

Mr. Woollen moved to substitute Senate bill No. 179, entitled "An act to establish a State board of health," etc.

Mr. Reeve moved to lay the motion on the table.

Mr. Benz moved to adjourn.

The ayes and noes were demanded by Messrs. Burrell, Benz, Fowler, Briscoe and Urmstan, which being ordered and taken, resulted as follows:

Those who voted in the affirmative were: Senators Benz, Briscoe, Cadwallader, Davenport, Davis, Grubbs, Harris, Kramer, Major, Poindexter, Ragan, Reiley, Shirk, Smith, Streight, Tarlton, Traylor, Treat, Weir, Wilson and Winterbotham—22.

Those who voted in the negative were: Senators Burrell, Donham, Foster, Fowler, Garrigus, Hart, Langdon, Menzies, Mercer, Reeve, Sarnighausen, Taylor, Trusler, Urmstan, Wood and Woolen—16.

The motion was agreed to.

The Senate adjourned.

(Approved.)

ISAAC P. GRAY,
President of the Senate.

FRIDAY MORNING.

MARCH 28, 1879.

The Senate met at 9 o'clock A. M., Lieutenant-Governor Gray in the chair.

The Journal of yesterday was being read, when, on motion of Mr. Benz, the further reading was dispensed with.

Mr. Peterson offered the following resolution:

WHEREAS, On the first day of the General Assembly D. D. Dale, Principal Secretary of the Senate, employed D. J. Reagan to assist him in his duties and instruct his employes in their several duties; and

WHEREAS, The business of the Senate has been such that his experience has been of great service in arranging and expediting business; and

WHEREAS, He is willing to give his service for a reasonable allowance; therefore be it

Resolved, That the matter be referred to the committee on finance, with instructions to investigate the matter and report by resolution the amount, in their judgment, would be just.

Which was referred to the committee on finance without reading.

Mr. Winterbotham, from the committee on finance, submitted the following resolution:

Be it resolved by the Senate (the House of Representatives concurring therein), That there be allowed to and for the benefit of Marion county the sum of eleven hundred and eighteen dollars, to reimburse said county for expense incurred for additional fuel, light and labor necessary by reason of the occupancy of the court house for the regular and special sessions of the Fifty-first General Assembly, and that said amount be paid to Samuel Hanway, treasurer of Marion county, on the warrant of the President of the Senate, on the appropriation made to meet the expense of the special session of the Fifty-first General Assembly, and by him paid into the county treasury.

The question being on the adoption of the resolution.

Mr. Trusler demanded the previous question.

The question being on seconding the demand for the previous question.

The ayes and noes were demanded by Messrs. Burrell and Kahlo, which being ordered and taken, resulted as follows:

Those who voted in the affirmative were: Senators Cadwallader, Coffey, Davenport, Davis, Dice, Fowler, Garrigus, Grubbs, Hart, Kahlo, Kent, Kramer, Langdon, Menzies, Mercer, Moore, Peterson, Ragan, Reiley, Sarnighausen, Shaffer, Shirk, Smith, Streight, Taylor, Trusler, Viehe, Weir and Wilson—29.

Those who voted in the negative were: Senators Benz, Briscoe, Burrell, Donham, Foster, Hefron, Leeper, Major, Olds, Reeve, Tarlton, Traylor, Urmstan, Winterbotham and Wood—15.

The previous question was seconded.

The main question was ordered.

The question being on the adoption of the resolution.

The ayes and noes were ordered and taken, resulting as follows:

Those who voted in the affirmative were: Senators Cadwallader, Coffey, Davenport, Dice, Donham, Fowler, Grubbs, Harris, Hart, Hefron, Kahlo, Kent, Kramer, Langdon, Leeper, Major, Menzies, Mercer, Moore, Olds, Peterson, Ragan, Reeve, Reiley, Sarnighausen, Shaffer, Shirk, Smith, Streight, Tarlton, Taylor, Traylor, Trusler, Urmstan, Viehe and Winterbotham—36.

Those who voted in the negative were: Senators Benz, Briscoe, Burrell, Foster, Garrigus, Weir, Wilson and Wood—8.

The resolution was adopted.

Mr. Kent, from the committee on corporations, reported Engrossed House Bill No. 460, entitled "An act to amend section 2 of an act in relation to the laying out, opening, widening, altering and vacation of streets, alleys and highways," etc., with the report of the committee recommending its passage.

Which was placed on file without reading.

Mr. Menzies moved to take up House bills on third reading.

Mr. Reeve moved to substitute Senate bills on third reading.

Which was rejected.

The question recurring on the motion to take up House bills on third reading.

Which was agreed to.

Engrossed House Bill No. 647, entitled "An act to amend section 18 of an act entitled an act regulating descents and the apportionment of estates, approved May 14, 1852," was read the third time.

The question being, shall the bill pass?

The ayes and noes were ordered and taken, resulting as follows:

Those who voted in the affirmative were: Senators Benz, Briscoe, Cadwallader, Davenport, Davis, Donham, Harris, Hart, Hefron, Kahlo, Kramer, Langdon, Leeper, Menzies, Mercer, Moore, Peterson, Poindexter, Ragan, Reiley, Shirk, Smith, Streight, Tarlton, Taylor, Trusler, Urmstan, Weir, Wilson and Wood—28.

Those who voted in the negative were: Senators Burrell, Coffey, Dice, Foster, Major, Olds, Reeve, Sarnighausen and Traylor—9.

The bill passed.

The title of the bill was read and ordered by the Senate to stand approved as read.

Mr. Reeve, from the committee on the judiciary, reported engrossed House bill No. 477, entitled "An act defining burglary and house-breaking," etc., the report of the committee recommending that the bill be amended by striking out all after the enacting clause and inserting new matter in lieu thereof, and when so amended recommending its passage, was read and concurred in.

On motion of Mr. Reeve the Senate amendments to the bill were considered as engrossed, and the bill placed on the calendar for the third reading.

The following message was received from the House by the Clerk thereof:

MR. PRESIDENT:

I am directed by the Speaker of the House to inform the Senate that the House has passed engrossed Senate bill No. 55, entitled "An act to legalize the incorporation of the Kokomo Building Loan Fund and Savings Association.

Also, engrossed Senate bill No. 427, entitled "An act in relation to public warehouses," etc.

Also, engrossed Senate bill No. 138, "An act in relation to congressional township school funds."

And the same are herewith transmitted to the Senate.

Senate Jour—56

Engrossed House Bill No. 549, entitled "An act to amend an act entitled an act to provide for the more speedy trial of causes, and facilitate the transaction of business in courts," etc., was read the third time.

The question being, shall the bill pass?

The ayes and noes were ordered and taken, resulting as follows:

Those who voted in the affirmative were: Senators Benz, Briscoe, Burrell, Cadwallader, Davis, Dice, Foster, Garrigus, Harris, Hart, Hefron, Kahlo, Kramer, Langdon, Leeper, Major, Mercer, Olds, Peterson, Ragan, Reeve, Reiley, Shirk, Smith, Streight, Tarlton, Taylor, Trusler, Urmstan, Weir, Wilson and Winterbotham—32.

Those who voted in the negative were: Senators Davenport, Donham, Moore, Traylor and Viehe—5.

The bill passed.

The title as read was ordered to stand approved.

Engrossed House Bill No. 608, entitled "An act for the relief of Aaron Combs and others," was read the third time.

The question being, shall the bill pass?

The ayes and noes were ordered and taken, resulting as follows:

Those who voted in the affirmative were: Senators Benz, Briscoe, Cadwallader, Davenport, Dice, Donham, Foster, Fowler, Grubbs, Hart, Kahlo, Kramer, Leeper, Major, Mercer, Moore, Peterson, Poindexter, Ragan, Shaffer, Smith, Streight, Tarlton, Trusler, Weir, Wilson, Winterbotham and Wood—28.

Those who voted in the negative were: Senators Coffey, Davis, Harris, Menzies, Olds, Reiley, Taylor, Traylor, Urmstan and Viehe—10.

The bill passed.

The title of the bill as read was approved by the Senate.

Engrossed House Bill No. 589, entitled "An act to authorize the trustee of Union township, Union county, Indiana, to pay certain indebtedness incurred by the former trustee of said township," etc., was read the third time.

The question being, shall the bill pass?

The ayes and noes were ordered and taken, resulting as follows:

Those who voted in the affirmative were: Senators Briscoe, Cadwallader, Coffey, Davenport, Davis, Dice, Donham, Foster, Fowler,

Garrigus, Grubbs, Hart, Kahlo, Kramer, Leeper, Major, Mercer, Moore, Peterson, Poindexter, Ragan, Shaffer, Shirk, Smith, Streight, Tarlton, Taylor, Trusler, Urmstan, Viehe, Weir, Wilson and Wood—33.

Those who voted in the negative were: Senators Burrell, Harris, Menzies, Reiley and Traylor—5.

The bill passed.

The title of the bill as read was approved by the Senate.

Engrossed House Bill No. 310, entitled "An act to allow sheriffs and constables having a state warrant to serve to follow defendant into an adjoining county and make a legal arrest without hindrance," was read the third time.

The question being, shall the bill pass?

The ayes and noes were ordered and taken, resulting as follows:

Those who voted in the affirmative were: Senators Benz, Briscoe, Burrell, Cadwallader, Davis, Donham, Foster, Fowler, Garrigus, Grubbs, Harris, Hart, Hebron, Kahlo, Kramer, Leeper, Major, Menzies, Mercer, Moore, Olds, Peterson, Poindexter, Ragan, Shaffer, Shirk, Streight, Tarlton, Taylor, Traylor, Trusler, Urmstan, Viehe, Weir, Wilson, Winterbotham and Wood—37.

No one voting in the negative.

The bill passed.

The title of the bill was read and ordered by the Senate to stand approved as read.

Engrossed House Bill No. 560, entitled "An act for the relief of John J. Justice and others," was read the third time.

The question being, shall the bill pass?

The ayes and noes were ordered and taken, resulting as follows:

Those who voted in the affirmative were: Senators Benz, Briscoe, Cadwallader, Davis, Donham, Foster, Fowler, Garrigus, Grubbs, Hebron, Kahlo, Kramer, Leeper, Major, Menzies, Mercer, Moore, Peterson, Poindexter, Ragan, Reiley, Shaffer, Shirk, Smith, Streight, Tarlton, Trusler, Weir, Wilson, Winterbotham and Wood—31.

Those who voted in the negative were: Senators Burrell, Langdon, Olds, Reeve, Taylor, Traylor and Urmstan—6.

The bill passed.

The title of the bill was read and ordered by the Senate to stand approved as read.

Engrossed House Bill No. 115, entitled "An act to amend section 1 of an act entitled an act to provide for the protection of the Sabbath," etc., was read the third time.

The question being, shall the bill pass?

The ayes and noes were ordered and being taken, when Mr. Reeve demanded a call of the Senate, which being ordered and taken, discovered the following Senators present and answering to their names:

Senators Benz, Briscoe, Burrell, Cadwallader, Coffey, Davenport, Davis, Dice, Donham, Foster, Fowler, Garrigus, Grubbs, Hefron, Kahlo, Kramer, Langdon, Leeper, Major, Menzies, Mercer, Moore, Olds, Peterson, Ragan, Reeve, Reiley, Sarnighausen, Shaffer, Shirk, Smith, Streight, Tarlton, Taylor, Traylor, Treat, Trusler, Urmstan, Viehe, Weir, Wilson and Winterbotham—43.

On motion by Mr. Langdon, further proceedings under the call were dispensed with.

The call of the roll on the passage of the bill was then proceeded with, resulting as follows:

Those who voted in the affirmative were: Senators Benz, Briscoe, Burrell, Davenport, Davis, Donham, Foster, Fowler, Hart, Hefron, Kramer, Leeper, Menzies, Peterson, Poindexter, Reeve, Streight, Traylor, Viehe, Weir, Winterbotham and Wood—22.

Those who voted in the negative were: Senators Cadwallader, Coffey, Dice, Garrigus, Grubbs, Kahlo, Langdon, Major, Mercer, Moore, Olds, Ragan, Reiley, Sarnighausen, Shaffer, Shirk, Smith, Tarlton, Taylor, Treat, Trusler, Urmstan and Wilson—23.

The bill failed to pass.

Leave of absence was asked and obtained for Messrs. Comstock and Woollen for to-day.

The following message was received from the House by the Clerk thereof:

MR. PRESIDENT:

I am directed by the Speaker of the House to inform the Senate that the House has passed engrossed House Bill No. 389, entitled "An act supplemental to an act entitled an act to exempt property from sale in certain cases."

Also, engrossed Senate Bill No. 12, entitled "An act concerning the trial of civil causes in the circuit and superior courts of this State."

Also, engrossed Senate Bill No. 71, entitled "An act authorizing justices of the peace to require additional replevin bail," etc.

Also, engrossed Senate Bill No. 429, entitled "An act to legalize the election held in 1878, in the town of Washington, Wayne county."

And the same are herewith transmitted to the Senate.

Mr. Garrigus introduced Senate Bill No. 460, entitled "An act relating to tax sales where the same is illegal and void, and providing for the return of purchase money," was read the first time.

Mr. Garrigus moved that the constitutional rule be suspended and the bill read the second time now.

Mr. Viehe moved to amend by referring it to the committee on the judiciary.

Which was agreed to.

Mr. Traylor moved to take up engrossed House Bill No. 105.

Mr. Benz moved to amend by taking up engrossed House Bill No. 477.

Which was rejected.

The Senate adjourned.

AFTERNOON SESSION.

MARCH 28, 1879.

The Senate reassembled at 2 o'clock P. M., Lieutenant-Governor Gray in the chair.

On motion of Mr. Sarnighausen Engrossed House Bill No. 460, entitled "An act to amend section 2 of an act entitled an act in relation to the laying out, opening, widening and altering streets, alleys and highways," etc., was read the first time.

Mr. Sarnighausen moved that the constitutional rule be suspended and the bill read the second time by title.

The question being on the suspension of the constitutional rule.

The ayes and noes were ordered and taken, resulting as follows:

Those who voted in the affirmative were: Senators Benz, Burrell, Cadwallader, Dice, Donham, Garrigus, Grubbs, Hart, Hefron, Kramer, Langdon, Major, Menzies, Mercer, Moore, Olds, Ragan, Reeve, Reiley, Sarnighausen, Shaffer, Shirk, Smith, Streight, Tarlton, Traylor, Trusler, Urnstan, Viehe, Weir, Wilson, Winterbotham, Wood and Woollen—34.

No one voting in the negative.

The constitutional rule was suspended.

Engrossed House Bill No. 460 was read the second time by title only, with the report of the committee recommending its passage.

Which was concurred in.

The question being on the motion of Mr. Traylor to take up Engrossed House Bill No. 105, entitled "An act to regulate the practice of dentistry in the State of Indiana," pending at adjournment this morning.

Which was agreed to.

Engrossed House Bill No. 105 was taken up and read the second time, with the report of the committee recommending its passage.

Which was concurred in.

The following message was received from the House by the Clerk thereof:

MR. PRESIDENT:

I am directed by the Speaker of the House to inform the Senate that he has signed Enrolled Senate Acts Nos. 59, 195 and 331.

Also, Enrolled House Acts Nos. 549 and 467.

And the same are herewith transmitted to the Senate for the signature of the President thereof.

Also, that the House has passed Engrossed House Bill No. 10, entitled "A bill to exempt claims and interest of the wives, children and dependants of members of charitable societies," etc.

And the same is herewith transmitted to the Senate for its action thereon.

Mr. Grubbs, from the conference committee appointed to confer on House Bill No. 22, on the subject of homesteads and exemptions, reported as follows:

MR. PRESIDENT:

Your committee of conference on House Bill No. 22, on the subject of homesteads and exemptions, have had the matters of differ-

ence between the two Houses under consideration, and desire to make the following report:

That a marked difference of opinion exists among the members of the committee as to the matters submitted to them—Senator Fowler and Representatives Shanks and Humphries favoring the exemption and Senator Grubbs a homestead law.

That they reconciled the differences and arrived at the following agreement:

First. That the Senate recede from its amendments to House Bill No. 22.

Second. That the House recede from its amendment to the Senate amendments.

Third. That House Bill No. 22 be amended by striking out the words "one thousand" wherever they occur in said bill, and inserting "six hundred" in lieu thereof, making the amount of property exempt six hundred dollars instead of one thousand dollars, as originally provided in said House bill.

GEORGE W. GRUBBS,
Senator from Marion and Morgan counties.

INMAN H. FOWLER,
Senator from Owen and Clay counties.

J. P. C. SHANKS,
Representative from Delaware and Jay counties.

A. HUMPHRIES,
Representative from Green county.

On motion by Mr. Hefron, the report was concurred in.

On motion, by Mr. Dice, Engrossed House Bill No. 630, entitled "An act to regulate the presentation of claims against counties," etc., was taken up and read the second time, with the report of the committee recommending its passage.

Which was concurred in.

The following message was received from the House by the Clerk thereof:

MR. PRESIDENT:

I am directed by the Speaker of the House to inform the Senate that the House has passed Engrossed Senate Bill No. 353.

And the same is herewith transmitted to the Senate.

I am further directed by the Speaker to inform the Senate that all Senate bills referred to the House have been acted upon.

Mr. Reeve, from the committee on the judiciary, reported Senate Bill No. 460, entitled "An act relating to tax sales, where the sale is illegal and void, and providing for the return of the purchase money."

Mr. Reeve moved to suspend the constitutional rule, read the bill the second time, consider it engrossed, read it the third time and put it upon its passage.

The question being on the suspension of the constitutional rule.

The ayes and noes were ordered and taken, resulting as follows:

Those who voted in the affirmative were: Senators Benz, Burrell, Cadwallader, Dice, Donham, Garrigus, Grubbs, Hart, Hefron, Kramer, Langdon, Major, Menzies, Mercer, Moore, Olds, Poindexter, Reeve, Reiley, Sarnighausen, Shaffer, Shirk, Smith, Streight, Tarlton, Traylor, Trusler, Urmstan, Viehe, Weir, Wilson, Winterbotham, Wood and Woollen—34.

No one voting in the negative.

The constitutional rule was suspended.

Senate Bill No. 460 was read the second time with the report of the committee recommending its passage.

Which was concurred in.

The bill was then read the third time.

The question being, shall the bill pass?

The ayes and noes were ordered and taken, resulting as follows:

Those who voted in the affirmative were: Senators Benz, Dice, Garrigus, Grubbs, Harris, Kahlo, Mercer, Moore, Olds, Poindexter, Ragan, Reeve, Shirk, Smith, Taylor, Trusler, Urmstan, Wilson and Winterbotham—19.

Those who voted in the negative were: Senators Briscoe, Burrell, Cadwallader, Coffey, Davenport, Davis, Donham, Foster, Hart, Hefron, Kramer, Major, Menzies, Reiley, Sarnighausen, Shaffer, Tarlton, Traylor, Viehe, Wood and Woollen—21.

The bill failed to pass.

The following message was received from the House by the Clerk thereof:

MR. PRESIDENT:

I am directed by the Speaker of the House to inform the Senate that the House has concurred in the report of the committee of conference on engrossed House bill No. 20.

Also, that the House has concurred in the report of the conference committee on engrossed House bill No. 22.

And said information is respectfully transmitted to the Senate.

Mr. Mercer moved to suspend the order of business and take up engrossed House bill No. 585.

Mr. Moore moved to amend by taking up House bills on third reading.

Which was agreed to.

Engrossed House Bill No. 158, entitled "An act in relation to settlements made by boards of county commissioners, with county, township and school officers," etc., was read the third time.

Mr. Moore demanded the previous question.

Which was ordered.

The question being, shall the bill pass?

The ayes and noes were ordered and taken, resulting as follows:

Those who voted in the affirmative were: Senators Benz, Cadwallader, Davenport, Davis, Dice, Donham, Foster, Harris, Kahlo, Langdon, Mercer, Moore, Olds, Poindexter, Ragan, Reiley, Sarnighausen, Shaffer, Shirk, Smith, Treat, Trusler, Urmstan, Weir, Wilson and Woollen—26.

Those who voted in the negative were: Senators Briscoe, Burrell, Coffey, Grubbs, Hart, Hefron, Kramer, Leeper, Major, Menzies, Reeve, Tarlton, Traylor, Viehe, Winterbotham and Wood—16.

The bill passed.

The title of the bill as read was approved by the Senate.

Engrossed House Bill No. 477, entitled "An act defining burglary, burglarious trespass and house-breaking," was read the third time.

The question being, shall the bill pass?

The ayes and noes were ordered and taken, resulting as follows:

Those who voted in the affirmative were: Senators Benz, Burrell, Cadwallader, Davenport, Davis, Dice, Donham, Foster, Harris, Hart, Hefron, Kahlo, Kramer, Leeper, Major, Menzies, Mercer, Moore, Olds, Peterson, Poindexter, Ragan, Reeve, Reiley, Sarnig-

hausen, Shaffer, Shirk, Smith, Tarlton, Taylor, Traylor, Urmstan, Viehe, Weir, Wilson, Winterbotham, Wood and Woollen—38.

No one voting in the negative.

The bill passed.

The title of the bill as read was approved by the Senate.

Mr. Hefron, from the committee on corporations, reported Senate bill No. 459, entitled "An act to legalize the acts of the General Baptist Board of Publication of Gibson county, Indiana," with the report of the committee recommending its passage.

Which was placed on file without reading.

Engrossed House Bill No. 192, entitled "An act to legalize the incorporation of the town of Butler, DeKalb county, Indiana," etc., was read the third time.

The question being, shall the bill pass?

The ayes and noes were ordered and taken, resulting as follows:

Those who voted in the affirmative were: Senators Cadwallader, Davenport, Davis, Dice, Donham, Foster, Fowler, Garrigus, Grubbs, Harris, Hart, Hefron, Kahlo, Kramer, Langdon, Leeper, Major, Mercer, Moore, Olds, Poindexter, Ragan, Reiley, Sarnighausen, Shaffer, Shirk, Smith, Streight, Tarlton, Taylor, Traylor, Urmstan, Weir, Wilson, Winterbotham and Wood—34.

Those who voted in the negative were: Senators Burrell and Reeve—2.

The bill passed.

The title of the bill as read was approved by the Senate.

Engrossed House Bill No. 621, entitled "An act to legalize the assessment and levy of taxes made by the common council of the city of Kendallville for general city purposes," etc., was read the third time.

The question being, shall the bill pass?

The ayes and noes were ordered and taken, resulting as follows:

Those who voted in the affirmative were: Senators Cadwallader, Davenport, Davis, Dice, Donham, Foster, Fowler, Garrigus, Grubbs, Harris, Hart, Hefron, Kahlo, Kramer, Langdon, Mercer, Olds, Poindexter, Ragan, Reiley, Sarnighausen, Shaffer, Shirk, Smith, Tarlton, Taylor, Traylor, Urmstan, Weir, Wilson, Winterbotham and Wood—32.

Those who voted in the negative were: Senators Reeve and Leeper—2.

The bill passed.

The title of the bill as read was approved by the Senate.

Mr. Coffey, from the committee on enrolled Bills, submitted the following:

MR. PRESIDENT:

Your joint committee on enrolled Bills have examined enrolled Senate Bills Nos. 12, 138, 432 and 198, and find them to be correctly enrolled.

The following message was received from the House by the Clerk thereof:

MR. PRESIDENT:

I am directed by the Speaker of the House to inform the Senate that he has signed enrolled House Acts Nos. 560, 589 and 310.

And the same are herewith transmitted to the Senate for the signature of the President thereof.

Engrossed House Bill No. 290, entitled "An act to amend section 1 of an act entitled an act to provide for the running at large of certain animals," etc., was read the third time.

The question being, shall the bill pass?

The ayes and noes were ordered and taken, resulting as follows:

Those who voted in the affirmative were: Senators Cadwallader, Foster, Fowler, Grubbs, Hart, Hefron, Kahlo, Kent, Kramer, Langdon, Leeper, Major, Mercer, Moore, Poindexter, Reeve, Shaffer, Streight, Traylor, Trusler, Weir, Wilson and Wood—23.

Those who voted in the negative were: Senators Benz, Briscoe, Burrell, Davenport, Davis, Dice, Donham, Garrigus, Menzies, Olds, Ragan, Sarnighausen, Shirk, Smith, Tarlton, Urmstan, Viehe and Winterbotham—18.

The bill failed to pass.

On motion by Mr. Hefron the message of the House informing the Senate of its action in adding an emergency clause to engrossed House Bill No. 640 was taken up and read.

Mr. Hefron moved to reconsider the vote by which the bill passed.

Which was agreed to.

Mr. Traylor moved to recommit the bill to a special committee of two.

Which was agreed to.

The chair appointed as such special committee Messrs. Leeper and Traylor.

Mr. Sarnighausen, from the committee on education, reported engrossed House Bill No. 442, entitled "An act to amend an act entitled an act to provide for a general system of common schools," etc., with the report of the committee recommending that it lie upon the table.

Which was placed on file without reading.

Mr. Sarnighausen, from the committee on education, reported engrossed House Bill No. 532, entitled "An act to amend section 3 of an act entitled an act to render taxation for common school purposes uniform, and to provide for the education of the colored children of the State," with the report of the committee recommending that it lie upon the table.

Which was placed on file without reading.

Mr. Coffey, from the committee on enrolled bills, submitted the following report:

MR. PRESIDENT:

Your joint committee on enrolled bills beg leave to report that they have examined Enrolled Senate Bills Nos. 59, 195 and 331, and find the same to be correctly enrolled.

Mr. Leeper, from the special committee to whom was referred Engrossed House Bill No. 640, submitted the following report:

MR. PRESIDENT:

Your special committee, to whom was referred House Bill No. 640, has had the same under consideration, and instruct me to report the same back with the following amendment:

"Section —. An emergency exists, therefore this act shall take effect and be in force from and after its passage."

Which report was concurred in.

The question being, shall the bill pass as amended?

The ayes and noes were ordered and taken, resulting as follows:

Those who voted in the affirmative were: Senators Benz, Briscoe, Cadwallader, Davenport, Donham, Foster, Garrigus, Grubbs, Hart, Kahlo, Kent, Kramer, Langdon, Leeper, Major, Menzies, Mercer,

Moore, Olds, Poindexter, Ragan, Reiley, Sarnighausen, Shaffer, Shirk, Smith, Tarlton, Taylor, Traylor, Trusler, Urmstan, Viehe, Winterbotham and Wood—34.

Senator Wilson voting in the negative.

The bill passed.

The title was then read and ordered by the Senate to stand approved as read.

Engrossed House Bill No. 32, entitled "An act in relation to prosecutions of felonies by affidavit and information in certain cases," was read the third time.

The question being, shall the bill pass?

The ayes and noes were ordered and taken, resulting as follows:

Those who voted in the affirmative were: Senators Briscoe, Cadwallader, Davenport, Dice, Foster, Fowler, Garrigus, Hart, Kahlo, Kramer, Langdon, Mercer, Moore, Olds, Poindexter, Ragan, Shaffer, Shirk, Smith, Streight, Taylor, Trusler, Urmstan, Viehe, Weir, Wilson, Winterbotham and Woollen—28.

Those who voted in the negative were: Senators Benz, Burrell, Donham, Grubbs, Hefron, Kent, Major, Reiley, Sarnighausen, Tarlton, Traylor and Wood—12.

The bill passed.

The title of the bill was read and ordered by the Senate to stand approved as read.

Engrossed House Bill No. 420, entitled "An act for the relief of Alexander Ingles and others," was read the third time.

The question being, shall the bill pass?

The ayes and noes were ordered and taken, resulting as follows:

Those who voted in the affirmative were: Senators Benz, Briscoe, Cadwallader, Coffey, Davenport, Foster, Garrigus, Grubbs, Hart, Hefron, Kahlo, Kent, Kramer, Major, Mercer, Moore, Poindexter, Reiley, Shaffer, Shirk, Smith, Streight, Tarlton, Trusler, Weir, Wilson and Winterbotham—26.

Those who voted in the negative were: Senators Burrell, Donham, Menzies, Olds, Ragan, Sarnighausen, Taylor, Traylor, Urmstan, Veihe and Wood—11.

The bill passed.

The title of the bill was read and ordered by the Senate to stand approved as read.

Engrossed House Bill No. 286, entitled "An act to amend section 1 of an act entitled an act to amend sections 4 and 6 of an act prescribing some of the powers and duties of coroners," etc., was read the third time.

The question being, shall the bill pass?

The ayes and noes were ordered and taken, resulting as follows:

Those who voted in the affirmative were: Senators Benz, Davenport, Dice, Garrigus, Grubbs, Harris, Hart, Kahlo, Kramer, Langdon, Menzies, Mercer, Poindexter, Ragan, Reiley, Sarnighausen, Shaffer, Shirk, Smith, Streight, Tarlton, Taylor, Trusler, Viehe, Weir, Wilson, Winterbotham and Wood—29.

Those who voted in the negative were: Senators Briscoe, Burrell, Foster, Hefron, Kent, Olds, Traylor and Urmstan—8.

The bill passed.

The title of the bill was read and ordered by the Senate to stand approved as read.

The chair laid before the Senate the following communication from the Governor:

To the Senate:

I have received, approved and signed Senate bills numbered and entitled as follows:

No. 216. Entitled "An act defining the crime of embezzlement and prescribing the punishment therefor and repealing all laws upon the same subject," approved March 21, 1879.

No. 253. Entitled "An act defining the manner in which certain lands and other property within the limits of a city or incorporated town may be taxed for corporation purposes and repealing all conflicting laws," approved March 21, 1879.

No. 303. Entitled "An act to amend section 1 of an act entitled an act to enable farmers and citizens of any county in the State of Indiana to form voluntary associations for the purpose of insuring their property against loss by fire or lightning, and all other matters connected therewith, and enable them to sue and be sued by their corporate name," approved March 21, 1871, approved March 21, 1879.

No. 308. Entitled "An act supplementary and amendatory of an act entitled an act to provide for a uniform assessment of property

and for the collection and return of taxes thereon, approved December 21, 1872, providing for and fixing the rate to be allowed for the annual publication of the delinquent list, repealing all laws in conflict with the provisions of this act, and declaring an emergency," approved March 21, 1879.

No. 313. Entitled "An act to legalize sheriff's, administrators', guardians' and commissioners' sales of real estate made in pursuance of notices of such sales having been printed in the English language in newspapers published in the German language," approved March 21, 1879.

No. 338. Entitled "An act providing for the protection of wild game and defining the time and manner within which the same may be taken, killed and sold or otherwise disposed of; prohibiting the shipment of game from the State of Indiana, and also providing for the protection of certain birds in this act named, and prohibiting the destruction of their nests or eggs, and also making it unlawful to go upon lands for the purpose of hunting without permission of the owner, and providing penalties for injuring the property of any such owner, and also prescribing penalties for the offences and misdemeanors defined in this act, and repealing all acts inconsistent with this act," approved March 21, 1879.

No. 392. Entitled "An act legalizing the practice of circuit courts in calling causes for issues and in entering judgments on the first day of the term, and declaring an emergency," approved March 21, 1879.

No. 426. Entitled "An act to amend section 3 of an act supplemental to an act concerning the organization and perpetuity of voluntary associations, and repealing an act entitled an act concerning the organization of voluntary associations and repealing former laws in reference thereto, approved February 12, 1855, and repealing each act repealed by said act, and authorizing gifts or devises by will to be made to any corporation or purpose contemplated by this act, and providing that the boards of commissioners of counties shall in certain cases allow for the support of orphan children who are cared for by associations organized under the third specification of the second section of said act, and requiring such orphan children to be furnished with homes as expeditiously as practicable, and making the senior commissioner in service a member *ex officio* of the board of officers of such association; also, providing that no distinction shall be made on account of the nativity, complexion or religious belief of such orphans or their parents, approved February 26, 1875," approved March 21, 1879.

No. 122. Entitled, "An act to provide for the repair of free turnpike roads in the various counties of Indiana, and constituting the board of county commissioners of any county in this State a board of directors of such roads." Approved March 24, 1879.

No. 18. Entitled "An act to declare all canal land patents issued by the trustees of the Wabash and Erie Canal, and all canal land patents that may hereafter be issued, and the record thereof in the Recorder's office in any county in this State where canal land described therein lies, and duly certified copies of such record as evidence of title to any canal land therein described, in any court of record in this State, and all canal land patents heretofore issued and not recorded, and all that may hereafter be issued, shall be recorded in the record of deeds in the Recorder's office of the county in which the land therein described is situate," approved March 25, 1879.

No. 103. Entitled "An act to authorize cities and incorporated towns to construct, maintain and operate water works, issue and sell bonds to pay for such construction; repealing all laws in conflict with this act, and declaring an emergency," approved March 25, 1879.

No. 158. Entitled "An act concerning married women," approved March 25, 1879.

And have caused the same to be deposited in the office of the Secretary of State.

JAMES D. WILLIAMS.

Governor's Office, March 28, 1879.

Mr. Viehe moved to take up Engrossed House Bill No. 527, entitled "An act for the relief of John W. Starnes, administrator of the estate of Thomas F. Chambers, deceased, and others, etc.

Which was agreed to.

Engrossed House Bill No. 527 was read the first time.

Mr. Viehe moved that the constitutional rule be suspended, the bill read the second time, considered engrossed, read the third time and put upon its passage.

The question being on the motion to suspend the constitutional rule.

The ayes and noes were ordered and taken, resulting as follows:

Those who voted in the affirmative were: Senators Benz, Briscoe, Burrell, Cadwallader, Davenport, Dice, Donham, Foster, Fowler, Grubbs, Harris, Hart, Hebron, Kahlo, Kent, Kramer, Leeper,

Major, Mercer, Olds, Poindexter, Reiley, Sarnighausen, Shaffer, Shirk, Smith, Streight, Tarlton, Taylor, Traylor, Trusler, Urmstan, Viehe, Weir, Wilson, Winterbotham and Wood—37.

No one voting in the negative.

The constitutional rule was suspended.

Engrossed House Bill No. 527 was read the second time by title only and the third time by sections.

The question being, shall the bill pass?

The ayes and noes were ordered and taken, resulting as follows:

Those who voted in the affirmative were: Senators Benz, Briscoe, Cadwallader, Davenport, Dice, Donham, Foster, Fowler, Garrigus, Grubbs, Harris, Hart, Hefron, Kahlo, Kent, Kramer, Major, Mercer, Olds, Poindexter, Sarnighausen, Shaffer, Shirk, Smith, Streight, Tarlton, Taylor, Traylor, Trusler, Urmstan, Viehe, Weir, Wilson, Winterbotham and Wood—35.

Senator Reiley voting in the negative.

The bill passed.

The title of the bill as read was ordered to stand approved.

Mr. Reeve moved to take up Senate Bills on second reading.

Mr. Briscoe moved to amend by taking up Engrossed House Bill No. 58, entitled "An act declaring all agreements to pay attorney's fees illegal and void."

Mr. Reeve moved to lay that motion on the table, and on that motion demanded the previous question.

Which was seconded by the Senate.

The main question was ordered.

The question being on the motion to lie on the table.

The ayes and noes were demanded by Messrs. Briscoe and Winterbotham, which being ordered and taken resulted as follows:

Those who voted in the affirmative were: Senators Cadwallader, Dice, Garrigus, Grubbs, Harris, Kahlo, Kent, Langdon, Menzies, Olds, Poindexter, Ragan, Reeve, Sarnighausen, Shaffer, Shirk, Smith, Streight, Tarlton, Taylor, Traylor, Trusler, Urmstan, Viehe, Weir, Wilson, Winterbotham and Wood—28.

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Those who voted in the negative were: Senators Benz, Briscoe, Donham, Hart, Kramer, Major and Mercer—7.

The motion to lay on the table was agreed to.

The question recurring on the motion to take up Senate Bills on second reading.

It was agreed to.

The following message was received from the House by the Clerk thereof:

MR. PRESIDENT:

I am directed by the Speaker of the House to return to the Senate House Bill No. 640, from which the emergency clause was omitted, to which bill the House has added, by unanimous consent, the omitted emergency clause and ask the concurrence of the Senate in said action on said bill.

Senate Bill No. 91, entitled "An act to amend section 445 of the practice act," was read the second time with the report of the committee recommending its passage.

Which was concurred in.

Mr. Reeve moved that the constitutional rule be suspended, the bill considered as engrossed, read the third time now and put upon its passage.

The question being on the motion to suspend the constitutional rule.

The ayes and noes were ordered and taken, resulting as follows:

Those who voted in the affirmative were: Senators Benz, Burrell, Coffey, Davenport, Dice, Donham, Garrigus, Grubbs, Harris, Kahlo, Kent, Kramer, Langdon, Menzies, Mercer, Olds, Poindexter, Ragan, Reeve, Sarnighausen, Shaffer, Shirk, Smith, Streight, Tarlton, Taylor, Traylor, Trusler, Urmstan, Viele, Wilson, Winterbotham and Wood—34.

Those who voted in the negative were: Senators Briscoe, Foster, Major, Reiley and Weir—5.

The constitutional rule was suspended.

Senate Bill No. 91 was read the third time.

The question being, shall the bill pass?

The ayes and noes were ordered and taken, resulting as follows:

Those who voted in the affirmative were: Senators Benz, Burrell, Cadwallader, Davenport, Davis, Donham, Garrigus, Grubbs, Hef-

ron, Kent, Langdon, Mercer, Olds, Poindexter, Ragan, Reiley, Shaffer, Shirk, Smith, Streight, Tarlton, Taylor, Trusler, Viehe, Wilson, Winterbotham and Wood—28.

Those who voted in the negative were: Senators Briscoe, Foster, Harris, Hart, Kramer, Major, Reeve, Traylor and Urmstan—9.

The bill passed.

The title of the bill as read was approved by the Senate.

Senate Bill No. 147, entitled "An act to provide for the inspection of mineral and petroleum oils," etc., was read the second time, with the report of the committee recommending the passage of a substitute for the original bill.

Which was agreed to.

Mr. Shirk moved to suspend the constitutional rule, consider the bill engrossed, read it a third time now and put it upon its passage.

The question being on the motion to suspend the constitutional rule.

The ayes and noes were ordered and taken, resulting as follows:

Those who voted in the affirmative were: Senators Burrell, Cadwallader, Davenport, Davis, Donham, Foster, Fowler, Garrigus, Grubbs, Harris, Hart, Kahlo, Kent, Kramer, Langdon, Leeper, Major, Menzies, Mercer, Moore, Olds, Poindexter, Ragan, Reeve, Reiley, Sarnighausen, Shaffer, Shirk, Smith, Streight, Tarlton, Taylor, Traylor, Trusler, Urmstan, Weir, Wilson, Winterbotham and Wood—39.

Those who voted in the negative were: Senators Benz and Briscoe—2.

The constitutional rule was suspended.

Senate Bill No. 147 was read the third time.

The question being, shall the bill pass?

The ayes and noes were ordered and taken, resulting as follows:

Those who voted in the affirmative were: Senators Benz, Burrell, Cadwallader, Davis, Dice, Donham, Foster, Fowler, Garrigus, Grubbs, Harris, Hart, Kahlo, Kent, Kramer, Langdon, Leeper, Menzies, Mercer, Moore, Olds, Poindexter, Ragan, Reeve, Reiley, Sarnighausen, Shirk, Smith, Streight, Tarlton, Taylor, Treat, Trus-

ler, Urmstan, Viehe, Weir, Wilson, Winterbotham, Wood and Woollen—40.

Senator Briscoe voting in the negative.

The bill passed.

The title of the bill was read and ordered by the Senate to stand approved as read.

On motion by Mr. Harris, Engrossed House Bill No. 693 was referred to the judiciary committee without reading.

Mr. Dice, from the committee on enrolled bills, submitted the following report:

MR. PRESIDENT:

Your joint committee on enrolled bills, to which was referred Senate Bills Nos. 427 and 353, have examined the same and find that they are correctly enrolled.

Mr. Hart moved to take up Senate Bill No. 459.

Mr. Traylor moved to lay that motion on the table.

Which was agreed to.

The following message was received from the House by the Clerk thereof:

MR. PRESIDENT:

I am directed by the Speaker of the House to inform the Senate that the House has passed Engrossed House Bill No. 636.

Also, that he has signed Enrolled House Act No. 477.

And the same are herewith transmitted to the Senate for its action thereon.

Mr. Streight introduced Senate Bill No. 461, entitled "An act to amend section 1 of an act entitled an act touching foreign corporations, and providing that certain acts thereof shall work forfeitures, approved March 15, 1879."

Mr. Dice moved to reject the bill, and on that motion demanded the previous question, which was seconded by the Senate.

The main question was ordered.

The question being on the motion to reject the bill.

The ayes and noes were demanded by Messrs. Dice and Menzies, which being ordered and taken, resulted as follows:

Those who voted in the affirmative were: Senators Benz, Briscoe, Burrell, Cadwallader, Coffey, Davis, Dice, Foster, Fowler, Garri-

gus, Grubbs, Hart, Kramer, Langdon, Leeper, Major, Menzies, Mercer, Olds, Ragan, Ræve, Reiley, Sarnighausen, Shaffer, Traylor, Trusler and Wilson—27.

Those who voted in the negative were: Senators Davenport, Donham, Harris, Kent, Shirk, Smith, Streight, Tarlton, Taylor, Winterbotham and Woollen—11.

The motion was agreed to.

The following message was received from the House by the Clerk thereof:

MR. PRESIDENT:

I am directed by the Speaker of the House to inform the Senate that the House has concurred in the following engrossed Senate amendments to Engrossed House Bill No. 620, to-wit:

First. Senate amendment No. 1.

Second. Senate amendment No. 2, in so far as said amendment relates to and is included in proposed section 31.

Third. Senate amendment No. 5.

Fourth. Senate amendment No. 7.

Fifth. Senate Amendment No. 9.

Sixth. Senate amendment No. 10.

Seventh. Senate amendment No. 11.

Also, that the House has refused to concur in all the remainder of the Senate amendments to said bill, and that the House has ordered that the Senate be respectfully asked to recede from all the amendments in which they have refused to concur, as aforesaid, and said bill, together with said Senate amendments, is herewith returned to the Senate for its further action thereon.

Mr. Menzies moved to reconsider the vote by which the bill was rejected, and moved to lay that motion on the table.

The motion to lay on the table was agreed to.

On motion of Mr. Leeper engrossed House amendments to engrossed Senate Bill No. 71 were taken up and concurred in.

Mr. Traylor moved to take up engrossed House Bill No. 203.

Which was rejected.

Mr. Hart moved that when the Senate adjourn it be until 7 o'clock this evening.

Mr. Foster moved to lay the motion on the table.

Which was agreed to.

Senate Bill No. 261, entitled "An act to amend section 2 of an act entitled an act in relation to county auditors, approved May 31, 1852," was read the second time, with the report of the committee recommending its passage with certain amendments.

Which was concurred in.

The following message was received from the House by the Clerk thereof:

MR. PRESIDENT:

I am directed by the Speaker of the House to inform the Senate that the House has concurred in the Senate amendments to the engrossed House Bill No. 158.

Also, that the House has concurred in the Senate amendments to engrossed House Bill No. 477.

Also, that the House has concurred in the Senate amendments to engrossed House bill No. 640.

And said information is respectfully transmitted to the Senate.

I am further directed by the Speaker of the House to inform the Senate that he has signed enrolled House acts Nos. 640 and 608, and the same are herewith transmitted to the Senate for the signature of the President thereof.

I am further directed by the Speaker of the House to inform the Senate that the House has passed engrossed House bill No. 564.

Also, engrossed House bill No. 697.

And the same are herewith transmitted to the Senate for its action thereon.

Mr. Briscoe moved to take up Engrossed House Bill No. 476.

Mr. Olds moved to lay the motion on the table.

Which was agreed to.

Mr. Wilson moved that the constitutional rule be suspended, Senate Bill No. 261 be considered engrossed, read a third time now, and put upon its passage.

The question being on the motion to suspend the constitutional rule.

The ayes and noes were ordered and taken, resulting as follows:

Those who voted in the affirmative were: Senators Burrell, Cadwallader, Coffey, Davenport, Davis, Dice, Donham, Foster, Fowler, Garrigus, Grubbs, Harris, Hart, Langdon, Major, Menzies, Mercer, Moore, Olds, Ragan, Reeve, Reiley, Sarnighausen, Shaffer,

Shirk, Smith, Streight, Taylor, Traylor, Treat, Trusler, Urmstan, Viehe, Weir, Wilson, Winterbotham and Wood—37.

Those who voted in the negative were: Senators Benz, Briscoe and Kramer—3.

The constitutional rule was suspended.

Senate Bill No. 261 was read the third time.

The question being, shall the bill pass?

The ayes and noes were ordered and taken, resulting as follows:

Those who voted in the affirmative were: Senators Benz, Burrell, Cadwallader, Coffey, Davenport, Davis, Dice, Donham, Foster, Fowler, Garrigus, Grubbs, Harris, Hart, Langdon, Menzies, Mercer, Moore, Olds, Ragan, Reeve, Reiley, Sarnighausen, Shaffer, Shirk, Smith, Taylor, Treat, Trusler, Urmstan, Viehe, Weir, Wilson, Winterbotham, Wood and Woollen—36:

Those who voted in the negative were: Senators Briscoe, Kramer, Major, Tarlton and Traylor—5.

The bill passed.

The title of the bill as read was ordered by the Senate to stand approved.

Mr. Mercer moved to take up engrossed House Bill No. 585.

Mr. Sarnighausen moved to amend by taking up the House message in relation to engrossed House Bill No. 620.

Which was agreed to.

The message of the House was read.

Mr. Menzies moved that the Senate recede from all its amendments to the bill in which the House refused to concur.

The ayes and noes were demanded by Messrs. Burrell and Fowler, which being ordered and taken resulted as follows:

Those who voted in the affirmative were: Senators Benz, Briscoe, Cadwallader, Davenport, Davis, Donham, Foster, Fowler, Garrigus, Grubbs, Harris, Hart, Kramer, Leeper, Major, Menzies, Mercer, Moore, Olds, Ragan, Reeve, Reiley, Sarnighausen, Shaffer, Shirk, Streight, Taylor, Traylor, Treat, Trusler, Urmstan, Viehe, Wilson, Winterbotham and Wood—35.

Those who voted in the negative were: Senators Burrell, Dice, Langdon, Smith and Tarlton—5.

The motion was agreed to.

Mr. Dice, from the committee on enrolled bills, submitted the following report:

MR. PRESIDENT:

Your committee on enrolled bills beg leave to report that they have examined enrolled Senate Bill No. 429 and find the same to be correctly enrolled.

The following message was received from the House by the Clerk thereof:

MR. PRESIDENT:

I am directed by the Speaker of the House to inform the Senate that he has signed enrolled Senate Acts Nos. 12, 138, 267, 198, 353, 427, 432 and 55, and the same are herewith transmitted for the signature of the President thereof.

The Senate adjourned.

(Approved.)

ISAAC P. GRAY,
President of the Senate.

SATURDAY MORNING.

MARCH 29, 1879.

Senate met at 9 o'clock A. M.

On motion by Mr. Kahlo Senator Menzies took the chair.

The Journal of yesterday was being read when, on motion of Mr. Streight, the further reading was dispensed with.

Mr. Streight moved to take up engrossed House bill No. 568.

Mr. Sarnighausen moved to amend by taking up House bills on third reading.

Mr. Reeve moved as a substitute engrossed House Bill No. 89.

Which was rejected.

The question recurring on the motion to take up House bills on third reading.

It was agreed to.

Mr. Viehe moved that engrossed House bill No. 699 be referred

to a special committee, without reading, with instructions to report at 11 o'clock A. M.

Which was agreed to.

The chair appointed as such committee Messrs. Harris and Grubbs.

Engrossed House Bill No. 105, entitled "An act entitled an act to regulate the practice of dentistry in the State of Indiana," was read the third time.

The question being, shall the bill pass?

The ayes and noes were ordered and taken, resulting as follows:

Those who voted in the affirmative were: Senators Burrell, Cadwallader, Davenport, Dice, Foster, Fowler, Grubbs, Harris, Hart, Kahlo, Kramer, Leeper, Menzies, Mercer, Moore, Reeve, Reiley, Sarnighausen, Shaffer, Smith, Traylor, Trusler, Wilson, Winterbotham, Wood and Woollen—26.

Those who voted in the negative were: Senators Benz, Briscoe, Coffey, Donham, Garrigus, Langdon, Olds, Ragan, Streight, Tarlton, Treat, Urmstan and Viehe—13.

The bill passed.

The title of the bill as read was ordered by the Senate to stand approved.

Engrossed House Bill No. 460, entitled "An act to amend section 2 of an act entitled an act in relation to the laying out, widening, opening and altering of streets, alleys and highways," etc., was read the third time.

The question being, shall the bill pass?

The ayes and noes were ordered and taken, resulting as follows:

Those who voted in the affirmative were: Senators Benz, Burrell, Davenport, Dice, Donham, Foster, Grubbs, Harris, Hefron, Kahlo, Kramer, Leeper, Major, Menzies, Mercer, Moore, Olds, Poindexter, Reeve, Reiley, Sarnighausen, Shaffer, Traylor, Treat, Trusler, Viehe, Wilson, Winterbotham, Wood and Woollen—30.

Those who voted in the negative were: Senators Briscoe, Cadwallader, Garrigus, Hart, Langdon, Smith, Streight, Tarlton and Urmstan—9.

The bill passed.

The title of the bill as read was ordered by the Senate to stand approved.

Leave of absence was asked and obtained for Messrs. Trusler from 3 o'clock P. M. until next Monday.

Engrossed House Bill No. 290, entitled "An act to amend section 1 of an act entitled an act providing for the regulation of the running at large of all kinds of animals," etc., was read the third time.

The question being, shall the bill pass?

The ayes and noes were ordered and taken, resulting as follows:

Those who voted in the affirmative were: Senators Benz, Cadwallader, Coffey, Davis, Garrigus, Harris, Hart, Kahlo, Kent, Kramer, Leeper, Major, Mercer, Moore, Poindexter, Reeve, Reiley, Sarnighausen, Shaffer, Smith, Taylor, Traylor, Trusler, Urmstan, Wilson, Winterbotham and Wood—27.

Those who voted in the negative were: Senators Briscoe, Burrell, Davenport, Dice, Donham, Foster, Grubbs, Langdon, Menzies, Olds, Ragan, Streight, Tarlton, Treat and Trusler—15.

The bill passed.

The title of the bill as read was approved by the Senate.

Engrossed House Bill No. 630, entitled "An act regulating the presentation of claims against counties," etc., was read the third time.

The question being, shall the bill pass?

The ayes and noes were ordered and taken, resulting as follows:

Those who voted in the affirmative were: Senators Benz, Burrell, Cadwallader, Coffey, Davenport, Davis, Dice, Donham, Fowler, Garrigus, Grubbs, Harris, Hart, Kahlo, Kent, Kramer, Langdon, Leeper, Major, Menzies, Mercer, Moore, Poindexter, Ragan, Reeve, Reiley, Shaffer, Smith, Streight, Tarlton, Taylor, Traylor, Treat, Trusler, Urmstan, Viehe, Wilson, Winterbotham and Woollen—39.

Those who voted in the negative were: Senators Briscoe, Foster and Olds—3.

The bill passed.

The title of the bill was read and ordered by the Senate to stand approved as read.

Mr. Grubbs moved to take up Senate Bill No. 270.

Mr. Streight moved to amend by taking up House bills on second reading.

Mr. Langdon moved, as a substitute, to take up Senate bills on third reading.

Mr. Reeve moved, as a substitute for the whole subject matter, to take up Engrossed House Bill No. 89.

Mr. Streight moved to lay Mr. Reeve's motion on the table.
Which was rejected.

The question recurring on Mr. Reeve's motion.
Which was agreed to:

Engrossed House Bill No. 89, entitled "An act concerning contempts of courts," was read the second time with the report of the committee recommending its passage with certain amendments.

Which was concurred in.

Mr. Reeve moved that the constitutional rule be suspended, the bill read a third time now and put upon its passage, and on that motion demanded the previous question.

Which was seconded by the Senate.

The main question was ordered.

The question being on the motion to suspend the constitutional rule.

The ayes and noes were ordered and taken, resulting as follows:

Those who voted in the affirmative were: Senators Benz, Briscoe, Burrell, Coffey, Davenport, Davis, Dice, Donham, Foster, Fowler, Garrigus, Grubbs, Harris, Hart, Hefron, Kahlo, Kent, Kramer, Leeper, Major, Mercer, Moore, Olds, Reeve, Reiley, Shaffer, Smith, Tarlton, Taylor, Traylor, Treat, Trusler, Urnstan, Viehe, Weir, Wilson, Winterbotham, Wood and Woollen—39.

Those who voted in the negative were: Senators Langdon, Menzies, Ragan and Streight—4.

The constitutional rule was suspended.

The following message was received from the House by the Clerk thereof:

MR. PRESIDENT:

I am directed by the Speaker of the House to inform the Senate that he has signed Enrolled House Acts Nos. 158, 192, 32 and 420.

And the same are herewith transmitted to the Senate for the signature of the President thereof.

And that the House has passed Engrossed House Bill No. 147, entitled "An act to enable married women whose husbands are in-

sane or otherwise incapacitated to perform the duties of resident householders."

And the same is herewith transmitted to the Senate for its action thereon.

Engrossed House Bill No. 89 was read the third time.

The question being shall the bill pass?

The ayes and noes were ordered and taken, resulting as follows:

Those who voted in the affirmative were: Senators Benz, Briscoe, Coffey, Davenport, Davis, Donham, Fowler, Garrigus, Grubbs, Harris, Kahlo, Kent, Kramer, Leeper, Major, Mercer, Moore, Olds, Reeve, Reiley, Sarnighausen, Shaffer, Smith, Tarlton, Traylor, Treat, Trusler, Urmstan, Viehe, Weir, Wilson, Winterbotham, Wood and Woollen—34.

Those who voted in the negative were: Senators Cadwallader, Dice, Hart, Langdon, Menzies, Ragan, Streight and Taylor—8.

The bill passed.

The title of the bill as read was approved by the Senate.

Indefinite leave of absence was asked and obtained for Messrs. Olds and Kahlo from 3 o'clock P. M.

Mr. Shaffer moved to take up engrossed House bill No. 412.

Mr. Briscoe moved to amend by taking up engrossed House bill No. 58.

Mr. Langdon moved as a substitute to take up Senate bills on third reading.

Which was rejected.

Mr. Olds moved to lay the motion of Mr. Briscoe on the table.

The ayes and noes were demanded by Messrs. Briscoe and Foster, which being ordered and taken resulted as follows:

Those who voted in the affirmative were: Senators Davenport, Dice, Garrigus, Grubbs, Harris, Kahlo, Langdon, Mercer, Moore, Olds, Reeve, Reiley, Sarnighausen, Shaffer, Smith, Streight, Taylor, Traylor, Trusler, Urmstan, Viehe and Weir—22.

Those who voted in the negative were: Senators Briscoe, Burrell, Coffey, Davis, Foster, Hart, Hebron, Kramer, Leeper, Major, Menzies, Ragan, Treat, Wood and Woollen—15.

The motion was agreed to.

The question recurring on the motion to take up Engrossed House Bill No. 412.

It was agreed to.

Engrossed House Bill No. 412, entitled "An act to amend section 397 of the practice act," was read the second time.

Mr. Shaffer moved that the constitutional rule be suspended, the bill read the third time now, and put upon its passage.

The question being on the motion to suspend the constitutional rule.

The ayes and noes were ordered and taken, resulting as follows;

Those who voted in the affirmative were: Senators Burrell, Coffey, Davenport, Davis, Dice, Donham, Foster, Fowler, Garrigus, Grubbs, Harris, Hart, Hefron, Kahlo, Kent, Leeper, Major, Menzies, Mercer, Moore, Olds, Poindexter, Ragan, Reeve, Reiley, Sarnighausen, Shaffer, Smith, Streight, Taylor, Traylor, Trusler, Urmstan, Viehe, Winterbotham and Wood—36.

Those who voted in the negative were: Senators Kramer, Langdon, Treat, Wilson and Woollen—5.

The constitutional rule was suspended.

Engrossed House Bill No. 412 was read the third time.

The question being, shall the bill pass?

The ayes and noes were ordered and taken, resulting as follows:

Those who voted in the affirmative were: Senators Benz, Burrell, Cadwallader, Coffey, Davenport, Davis, Dice, Donham, Foster, Fowler, Garrigus, Grubbs, Hart, Kahlo, Kent, Leeper, Major, Menzies, Mercer, Olds, Ragan, Reeve, Sarnighausen, Shaffer, Shirk, Smith, Streight, Tarlton, Taylor, Traylor, Treat, Trusler, Urmstan and Wood—34.

Those who voted in the negative were: Senators Kramer, Langdon, Poindexter, Wilson and Woollen—5.

The bill passed.

The title of the bill as read was ordered by the Senate to stand approved.

On motion of Mr. Smith Engrossed House Bill No. 683, entitled "An act providing for the prompt publication of the acts of the General Assembly," etc., was read the second time with the report of the committee recommending its passage.

Which was concurred in.

Mr. Smith moved that the constitutional rule be suspended, the bill read a third time now and put upon its passage.

The question being on the motion to suspend the constitutional rule.

The ayes and noes were ordered and taken, resulting as follows:

Those who voted in the affirmative were: Senators Burrell, Cadwallader, Davenport, Davis, Dice, Donham, Foster, Fowler, Garrigus, Grubbs, Hart, Hefron, Kahlo, Kramer, Leeper, Menzies, Mercer, Moore, Olds, Poindexter, Ragan, Reeve, Sarnighausen, Smith, Tarlton, Taylor, Traylor, Treat, Trusler, Weir, Wilson, Winterbotham, Wood and Woollen—34.

No one voting in the negative.

The constitutional rule was not suspended for want of a constitutional majority.

Mr. Dice moved that the roll be called again.

Which was agreed to.

The chair ordered another call of the roll on the suspension of the rule, which being taken resulted as follows:

Those who voted in the affirmative were: Senators Benz, Briscoe, Cadwallader, Davenport, Davis, Dice, Donham, Fowler, Garrigus, Grubbs, Hart, Hefron, Kramer, Langdon, Leeper, Major, Menzies, Mercer, Moore, Olds, Poindexter, Ragan, Reeve, Sarnighausen, Shaffer, Shirk, Smith, Streight, Tarlton, Taylor, Traylor, Treat, Trusler, Urmstan, Weir, Wilson, Winterbotham, Wood and Woolen—39.

Senator Burrell voting in the negative.

The constitutional rule was suspended.

Mr. Burrell offered the following amendment to the bill:

MR. PRESIDENT:

I move to amend the bill by striking out the word "thirty," in line 3, and insert in lieu thereof the word "sixty."

Which was agreed to.

The amendment was considered engrossed and the bill read the third time.

The question being, shall the bill pass?

The ayes and noes were ordered and taken, resulting as follows:

Those who voted in the affirmative were: Senators Benz, Briscoe, Burrell, Cadwallader, Davenport, Davis, Dice, Donham, Foster,

Fowler, Garrigus, Grubbs, Hart, Hefron, Kramer, Langdon, Leeper, Major, Menzies, Mercer, Moore, Olds, Poindexter, Ragan, Reeve, Sarnighausen, Shaffer, Shirk, Smith, Streight, Tarlton, Taylor, Traylor, Treat, Trusler, Urmstan, Weir, Wilson, Winterbotham, Wood and Woollen—41.

No one voting in the negative.

The bill passed.

The title of the bill as read was approved by the Senate.

On motion by Mr. Davenport engrossed House Bill No. 397, entitled "An act providing for the filing of bonds by petitioners in case of the location, vacation or change of public highways," etc., was read the second time, with the report of the committee recommending its passage.

Which was concurred in.

Mr. Davenport moved that the constitutional rule be suspended, the bill read the third time now and put upon its passage.

The question being on the motion to suspend the constitutional rule.

The ayes and noes were ordered and taken, resulting as follows:

Those who voted in the affirmative were: Senators Benz, Briscoe, Burrell, Cadwallader, Coffey, Davenport, Davis, Donham, Foster, Fowler, Garrigus, Grubbs, Hart, Hefron, Kramer, Langdon, Leeper, Major, Mercer, Moore, Olds, Poindexter, Ragan, Reeve, Sarnighausen, Shaffer, Shirk, Streight, Tarlton, Taylor, Traylor, Treat, Trusler, Urmstan, Weir, Wilson, Wood and Woollen—38.

Senator Dice voting in the negative.

The constitutional rule was suspended.

Engrossed House Bill No. 397 was read the third time.

The question being, shall the bill pass?

The ayes and noes were ordered and taken, resulting as follows:

Those who voted in the affirmative were: Senators Benz, Briscoe, Burrell, Cadwallader, Davenport, Davis, Donham, Foster, Fowler, Garrigus, Grubbs, Hart, Hefron, Kramer, Langdon, Leeper, Major, Mercer, Moore, Olds, Poindexter, Ragan, Reeve, Sarnighausen, Shaffer, Shirk, Smith, Streight, Tarlton, Traylor, Treat, Trusler, Urmstan, Weir, Wilson, Winterbotham, Wood and Woollen—38.

No one voting in the negative.

The bill passed.

The title of the bill as read was ordered by the Senate to stand approved.

The following message was received from the House by the Clerk thereof:

MR. PRESIDENT:

I am directed by the Speaker of the House to inform the Senate that the House has adopted House Joint Resolution No. 43.

Also, that he has signed Enrolled House Acts Nos. 20, 286 and 621.

Also, Enrolled Senate Acts Nos. 429 and 37.

And the same are herewith transmitted to the Senate.

On motion by Mr. Benz, Engrossed House Bill No. 476, entitled "An act to punish the embezzlement of railroad tickets," was read the first time.

Mr. Briscoe moved that the constitutional rule be suspended, the bill read a second and third time now, and put upon its passage.

The question being on the motion to suspend the constitutional rule.

The ayes and noes were ordered and taken, resulting as follows:

Those who voted in the affirmative were: Senators Benz, Briscoe, Burrell, Cadwallader, Davenport, Davis, Donham, Foster, Fowler, Garrigus, Grubbs, Hefron, Kramer, Langdon, Major, Menzies, Mercer, Moore, Olds, Poindexter, Ragan, Reeve, Sarnighausen, Shaffer, Shirk, Streight, Tarlton, Traylor, Treat, Trusler, Urmstan, Weir, Wilson, Winterbotham, Wood and Woollen—36.

No one voting in the negative.

The constitutional rule was suspended.

Engrossed House Bill No. 476 was read the second time by title only and the third time by sections.

The question being, shall the bill pass?

The ayes and noes were ordered and taken, resulting as follows:

Those who voted in the affirmative were: Senators Benz, Briscoe, Burrell, Cadwallader, Coffey, Davenport, Davis, Dice, Donham, Foster, Fowler, Garrigus, Grubbs, Hart, Hefron, Kramer, Langdon, Leeper, Major, Menzies, Mercer, Moore, Olds, Poindexter, Ragan, Reeve, Sarnighausen, Shaffer, Streight, Tarlton, Tray-

lor, Treat, Trusler, Urmstan, Weir, Wilson, Winterbotham, Wood and Woollen—39.

No one voting in the negative.

The bill passed.

The title of the bill as read was ordered by the Senate to stand approved.

The following message was received from the House by the Clerk thereof:

MR. PRESIDENT:

I am directed by the Speaker of the House to inform the Senate that the House has adopted Senate Concurrent Resolution No. 48, with the following amendments:

Strike out the words "eleven hundred and eighteen," and insert in lieu thereof "eight hundred."

Also, that the House has adopted House Concurrent Resolution No. 41:

Resolved by the House (the Senate concurring therein), That the Speaker be directed to draw his warrant for certain amounts, etc.

Also, that the Speaker has signed Enrolled House Act No. 22.

And the same are herewith transmitted to the Senate.

Mr. Coffey, from the committee on enrolled bills, submitted the following report:

MR. PRESIDENT:

Your joint committee on enrolled bills have examined Enrolled Senate Bill No. 71, and find the same to be correctly enrolled.

Leave of absence was asked and obtained for Mr. Treat from 3 o'clock P. M. until next Monday at 9 o'clock A. M.

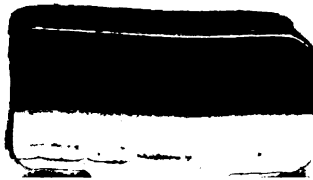
On motion of Mr. Leeper Engrossed House Bill No. 138, entitled "An act authorizing and requiring township trustees to apply surplus township funds to road purposes," was read the second time with the report of the committee recommending its indefinite postponement.

Mr. Leeper offered the following amendment to the report of the committee:

Amend the report by striking out the words "be indefinitely postponed" and inserting in lieu thereof the words "do pass."

Which was agreed to.

Senate Jour—58



The title of the bill as read was ordered by the Senate to stand approved.

The following message was received from the House by the Clerk thereof:

MR. PRESIDENT:

I am directed by the Speaker of the House to inform the Senate that the House has adopted House Joint Resolution No. 43.

Also, that he has signed Enrolled House Acts Nos. 20, 286 and 621.

Also, Enrolled Senate Acts Nos. 429 and 37.

And the same are herewith transmitted to the Senate.

On motion by Mr. Benz, Engrossed House Bill No. 476, entitled "An act to punish the embezzlement of railroad tickets," was read the first time.

Mr. Briscoe moved that the constitutional rule be suspended, the bill read a second and third time now, and put upon its passage.

The question being on the motion to suspend the constitutional rule.

The ayes and noes were ordered and taken, resulting as follows:

Those who voted in the affirmative were: Senators Benz, Briscoe, Burrell, Cadwallader, Davenport, Davis, Donham, Foster, Fowler, Garrigus, Grubbs, Hefron, Kramer, Langdon, Major, Menzies, Mercer, Moore, Olds, Poindexter, Ragan, Reeve, Sarnighausen, Shaffer, Shirk, Streight, Tarlton, Traylor, Treat, Trusler, Urmstan, Weir, Wilson, Winterbotham, Wood and Woollen—36.

No one voting in the negative.

The constitutional rule was suspended.

Engrossed House Bill No. 476 was read the second time by title only and the third time by sections.

The question being, shall the bill pass?

The ayes and noes were ordered and taken, resulting as follows:

Those who voted in the affirmative were: Senators Benz, Briscoe, Burrell, Cadwallader, Coffey, Davenport, Davis, Dice, Donham, Foster, Fowler, Garrigus, Grubbs, Hart, Hefron, Kramer, Langdon, Leeper, Major, Menzies, Mercer, Moore, Olds, Poindexter, Ragan, Reeve, Sarnighausen, Shaffer, Streight, Tarlton, Tray-

lor, Treat, Trusler, Urmstan, Weir, Wilson, Winterbotham, Wood and Woollen—39.

No one voting in the negative.

The bill passed.

The title of the bill as read was ordered by the Senate to stand approved.

The following message was received from the House by the Clerk thereof:

MR. PRESIDENT:

I am directed by the Speaker of the House to inform the Senate that the House has adopted Senate Concurrent Resolution No. 48, with the following amendments:

Strike out the words "eleven hundred and eighteen," and insert in lieu thereof "eight hundred."

Also, that the House has adopted House Concurrent Resolution No. 41:

Resolved by the House (the Senate concurring therein), That the Speaker be directed to draw his warrant for certain amounts, etc.

Also, that the Speaker has signed Enrolled House Act No. 22.

And the same are herewith transmitted to the Senate.

Mr. Coffey, from the committee on enrolled bills, submitted the following report:

MR. PRESIDENT:

Your joint committee on enrolled bills have examined Enrolled Senate Bill No. 71, and find the same to be correctly enrolled.

Leave of absence was asked and obtained for Mr. Treat from 3 o'clock P. M. until next Monday at 9 o'clock A. M.

On motion of Mr. Leeper Engrossed House Bill No. 138, entitled "An act authorizing and requiring township trustees to apply surplus township funds to road purposes," was read the second time with the report of the committee recommending its indefinite postponement.

Mr. Leeper offered the following amendment to the report of the committee:

Amend the report by striking out the words "be indefinitely postponed" and inserting in lieu thereof the words "do pass."

Which was agreed to.

The report of the committee as amended was then concurred in.

Mr. Leeper moved that the constitutional rule be suspended, the bill read the third time now and put upon its passage.

The question being on the motion to suspend the constitutional rule.

The ayes and noes were ordered and taken, resulting as follows:

Those who voted in the affirmative were: Senators Benz, Davenport, Davis, Donham, Fowler, Kahlo, Leeper, Major, Sarnighausen, Shaffer, Tarlton, Taylor, Urmstan, Wilson, Winterbotham, Wood and Woollen—17.

Those who voted in the negative were: Senators Cadwallader, Foster, Garrigus, Grubbs, Hart, Langdon, Menzies, Mercer, Olds, Poindexter, Ragan, Reiley, Shirk, Smith, Streight, Treat, Trusler and Weir—18.

The constitutional rule was not suspended.

Mr. Burrell, from the committee on the judiciary, reported engrossed House bill No. 273, entitled "An act prescribing a form for sheriff's deeds," etc., with the report of the committee recommending that it do lie upon the table.

Which was placed on file without reading.

Mr. Burrell, chairman of the committee on congressional apportionment reported back Senate bills Nos. 283, 134, 247, 213, 326, 302, 250 and 354, with the recommendation that they do lie on the table.

On motion by Mr. Mercer, engrossed House bill No. 585, entitled "An act to vacate and sell a portion of the public square in the town of Fremont, Steuben county, Indiana," was read the second time.

Mr. Mercer moved that the constitutional rule be suspended, the bill read a third time now, and put upon its passage.

The question being on the motion to suspend the constitutional rule.

The ayes and noes were ordered and taken, resulting as follows:

Those who voted in the affirmative were: Senators Briscoe, Burrell, Cadwallader, Coffey, Davenport, Davis, Donham, Foster, Fowler, Garrigus, Grubbs, Harris, Hart, Hefron, Leeper, Major, Menzies, Mercer, Moore, Olds, Poindexter, Ragan, Reeve, Sarnighausen, Shaffer, Shirk, Smith, Streight, Tarlton, Taylor, Traylor,

Treat, Trusler, Urmstan, Viehe, Weir, Wilson, Winterbotham, Wood and Woollen—40.

No one voting in the negative.

The constitutional rule was suspended.

Engrossed House Bill No. 585 was read the third time.

The question being, shall the bill pass?

The ayes and noes were ordered and taken, resulting as follows:

Those who voted in the affirmative were: Senators Briscoe, Burrell, Cadwallader, Coffey, Davenport, Davis, Donham, Foster, Fowler, Garrigus, Grubbs, Hart, Hefron, Kramer, Leeper, Major, Menzies, Mercer, Moore, Olds, Peterson, Poindexter, Ragan, Reiley, Sarnighausen, Shaffer, Shirk, Smith, Streight, Tarlton, Taylor, Traylor, Treat, Trusler, Urmstan, Viehe, Weir, Wilson, Winterbotham and Wood—40.

No one voting in the negative.

The bill passed.

The title of the bill as read was approved by the Senate.

The following message was received from the House by the Clerk thereof:

MR. PRESIDENT:

I am directed by the Speaker to inform the Senate that the House has concurred in Senate amendments to engrossed House Bill No. 683.

Also, that he has signed enrolled Senate Act No. 71.

Also, enrolled House Acts Nos. 290 and 476.

And the same are herewith transmitted to the Senate for the signature of the President thereof.

On motion of Mr. Major, Engrossed House Bill No. 47, entitled "An act to enable the owners of wet lands to drain and reclaim them, when the same can not be done without affecting the lands of others," etc., was read the second time.

Mr. Reeve moved to lay the bill on the table.

Which was rejected.

Pending the reading of the report of the committee on Engrossed House Bill No. 47.

The Senate took a recess until 2 o'clock p. m.

AFTERNOON SESSION.

MARCH 29, 1879.

Senate reassembled at 2 o'clock P. M., Lieutenant-Governor Gray in the chair.

Mr. Kramer moved to suspend the order of business and take up Engrossed House Bill No. 487.

Mr. Burrell moved to amend by taking up Engrossed House Bill No. 557.

The ayes and noes were demanded by Messrs. Wood and Garrigus, which being ordered and taken resulted as follows:

Those who voted in the affirmative were: Senators Benz, Burrell, Davis, Dice, Hefron, Reeve, Sarnighausen, Shaffer, Smith, Streight, Treat, Urmstan, Winterbotham and Woollen—14.

Those who voted in the negative were: Senators Briscoe, Cadwallader, Davenport, Fowler, Garrigus, Grubbs, Harris, Hart, Kramer, Langdon, Major, Mercer, Moore, Ragan, Reiley, Shirk, Tarlton, Taylor, Traylor, Trusler, Viehe, Weir, Wilson and Wood—24.

The motion was rejected.

The question recurring on the motion to take up Engrossed House Bill No. 487.

Mr. Shirk moved to amend by taking up Engrossed House Bill No. 668.

Which was rejected.

The motion to take up Engrossed House Bill No. 487 was also rejected.

Mr. Reeve, from the committee on the judiciary, reported Engrossed House Bill No. 591, entitled "An act amending section 8 of the divorce law," with the report of the committee recommending that the bill lie on the table.

Which was placed on file without reading.

Mr. Reeve, from the committee on the judiciary, reported Engrossed House Bill No. 367, entitled "An act limiting the number

of justices of the peace and increasing their jurisdiction," with the report of the committee recommending its indefinite postponement.

Which was placed on file without reading.

The following message was received from the House by the Clerk thereof:

MR. PRESIDENT:

I am directed by the Speaker of the House to inform the Senate that the House has concurred in Senate amendments to engrossed House Bill No. 89.

Also, that he has signed enrolled House Acts Nos. 397, 630 and 105.

And the same are herewith transmitted to the Senate for the signature of the President thereof.

The reading of the report of the committee on engrossed House Bill No. 47 was resumed and finished.

Mr. Reeve offered a substitute, embracing new matter for the report.

Mr. Garrigus moved to indefinitely postpone the substitute.

Mr. Reeve moved to lay the motion to indefinitely postpone on the table.

Which was rejected.

The question recurring on the motion to indefinitely postpone the substitute for the report.

It was agreed to.

Mr. Reeve moved to lay the report of the committee on the table.

The ayes and noes were demanded by Messrs. Reeve and Benz, which being ordered and taken resulted as follows:

Those who voted in the affirmative were: Senators Benz, Burrell, Reeve, Smith, Streight, Winterbotham and Woollen—7.

Those who voted in the negative were: Senators Briscoe, Coffey, Davis, Donham, Foster, Fowler, Garrigus, Grubbs, Harris, Hart, Hefron, Kramer, Langdon, Major, Mercer, Moore, Ragan, Reiley, Sarnighausen, Shaffer, Shirk, Tarlton, Taylor, Traylor, Trusler, Urnstan, Viehe, Weir and Wood—28

The motion to lay on the table was rejected.

Mr. Reeve moved to recommit the bill to the committee on swamp lands, with instructions to report at 4 o'clock P. M.

The ayes and noes were demanded by Messrs. Benz and Reeve, which being ordered and taken, resulted as follows:

Those who voted in the affirmative were: Senators Benz, Burrell, Davenport, Foster, Kramer, Menzies, Reeve, Streight and Woollen—9.

Those who voted in the negative were: Senators Cadwallader, Davis, Donham, Fowler, Garrigus, Grubbs, Harris, Hart, Hefron, Langdon, Major, Mercer, Moore, Olds, Poindexter, Ragan, Sarnighausen, Shaffer, Shirk, Smith, Tarlton, Taylor, Traylor, Trusler, Urmstan, Weir, Wilson and Wood—28.

The motion was rejected.

The question recurring on concurring in the report of the committee.

The ayes and noes were demanded by Messrs. Reeve and Benz, which being ordered and taken, resulted as follows:

Those who voted in the affirmative were: Senators Briscoe, Cadwallader, Davenport, Davis, Dice, Donham, Foster, Fowler, Garrigus, Grubbs, Harris, Hart, Hefron, Kramer, Major, Mercer, Moore, Olds, Poindexter, Ragan, Sarnighausen, Shaffer, Shirk, Smith, Tarlton, Taylor, Traylor, Trusler, Urmstan, Weir, Wilson, Winterbotham, Wood and Woollen—34.

Those who voted in the negative were: Senators Benz, Burrell, Coffey, Menzies, Reeve and Streight—6.

The report was concurred in.

Mr. Garrigus moved that the constitutional rule be suspended, the bill read the third time now and put upon its passage, and on that motion demanded the previous question.

Which was seconded by the Senate.

The main question was ordered.

The question being on the motion to suspend the constitutional rule.

The ayes and noes were ordered and taken, resulting as follows:

Those who voted in the affirmative were: Senators Briscoe, Cadwallader, Davis, Dice, Donham, Foster, Fowler, Garrigus, Grubbs, Harris, Hart, Major, Mercer, Moore, Olds, Poindexter, Ragan, Sarnighausen, Shaffer, Shirk, Smith, Tarlton, Taylor, Traylor, Trusler, Urmstan, Viche, Weir, Wilson, Winterbotham, Wood and Woollen—32.

Those who voted in the negative were: Senators Benz, Burrell, Coffey, Davenport, Kramer, Menzies, Reeve and Streight—8.

The constitutional rule was not suspended for want of a constitutional majority.

Mr. Foster, from the committee on investigation of benevolent institutions, introduced the following resolution:

Be it resolved by the Senate (the House of Representatives concurring therein), That there is hereby allowed from the general appropriation made to meet the expenses of the special session of the fifty-first General Assembly, the sum of four hundred and fifty-one dollars and ninety cents, with which to defray the expenses of the joint special committee on investigation of benevolent institutions, appointed by the action of both Houses, and that all expenses incurred by the actions of said committee shall be first passed upon and allowed by a majority of said committee on investigation, and properly audited by the chairman thereof. When such allowances shall have been made, the President of the Senate shall issue an order on the legislative fund in payment of such claims.

The following itemized statement of expenses was filed with said resolution, to-wit:

William M. Harrison, services as expert, \$36.

Watson & Dickerson, stenographers, \$242.50.

George F. Miller, expert, \$36.

David B. Wilson, Sergeant-at-arms, \$80.30.

H. B. Hubbard, \$7.

Joshua Woodin, witness, \$4.80.

To witnesses, \$28.40.

Richard Huncheon, Doorkeeper of Senate and acting Sergeant-at-arms, \$20.90.

Mr. Reeve moved to strike out the allowance to Sergeant-at-arms for service of subpoenas, mileage and return.

Which was agreed to.

Mr. Reeve then moved to strike out the allowance to witnesses in the employ of the State or its institutions.

Which was agreed to.

On motion by Mr. Harris the resolution and statement was referred to the committee on finance, with instructions to report Monday at 9 o'clock A. M.

Indefinite leave of absence was asked and obtained for Messrs. Weir and Cadwallader.

Leave of absence was also asked and obtained for Messrs. Gar-
rigus and Shirk until Monday at 9 o'clock A. M.

The following message was received from the House by the Clerk
thereof:

MR. PRESIDENT:

I am directed by the Speaker of the House to inform the Senate
that the House has passed Engrossed House Bill No. 619, entitled
"An act to regulate the letting of contracts for the doing of public
work and the better protection of mechanics."

Also, that he has signed enrolled House acts Nos. 683, 585, 412,
344 and 460.

And the same are herewith transmitted to the Senate for the sig-
nature of the President thereof.

Mr. Olds moved to take up Engrossed House Bill No. 487, and
upon that motion demanded the previous question.

Which was seconded by the Senate.

The main question was ordered.

The question being on the motion to take up Engrossed House
Bill No. 487.

The ayes and nocs were demanded by Messrs. Burrell and Wood,
which being ordered and taken, resulted as follows:

Those who voted in the affirmative were: Senators Benz,
Cadwallader, Davenport, Davis, Dice, Donham, Foster, Fowler,
Grubbs, Harris, Hart, Hefron, Kent, Kramer, Langdon, Menzies,
Mercer, Moore, Olds, Poindexter, Reeve, Sarnighausen, Shaffer,
Smith, Streight, Taylor, Traylor, Urnstan, Viehe, Wilson, Winter-
botham and Wood—32.

Those who voted in the negative were: Senators Briscoe,
Burrell, Ragan, Shirk and Woollen—5.

The motion was agreed to.

The following message was received from the House by the Clerk
thereof:

MR. PRESIDENT:

I am directed by the Speaker of the House to inform the Senate
that the Governor has returned to the House with his objections
Enrolled House Act No. 377.

And that the House has considered said message and reconsidered
said bill, and has passed said bill over the Governor's veto and ob-

jections, and said bill, together with the Governor's objections, are herewith transmitted to the Senate.

Engrossed House Bill No. 487, entitled "An act providing for the vacation of public squares in certain cases," was read the second time, with the report of the committee recommending its passage.

Which was concurred in.

Mr. Olds moved that the constitutional rule be suspended, the bill read a third time now, and put upon its passage.

The question being on the motion to suspend the constitutional rule.

The ayes and noes were ordered and taken, resulting as follows:

Those who voted in the affirmative were: Senators Benz, Briscoe, Cadwallader, Davenport, Davis, Dice, Donham, Foster, Fowler, Grubbs, Harris, Hart, Kramer, Langdon, Major, Menzies, Mercer, Moore, Olds, Poindexter, Ragan, Reeve, Sarnighausen, Shaffer, Shirk, Smith, Streight, Tarlton, Taylor, Traylor, Urmstan, Viehe, Wilson, Winterbotham, Wood and Woollen—36.

Senator Burrell voting in the negative.

The constitutional rule was suspended.

Engrossed House Bill No. 487 was read the third time.

The question being, shall the bill pass?

The ayes and noes were ordered and taken, resulting as follows:

Those who voted in the affirmative were: Senators Benz, Briscoe, Burrell, Cadwallader, Davenport, Davis, Dice, Donham, Foster, Fowler, Grubbs, Harris, Hart, Hefron, Kramer, Langdon, Major, Menzies, Mercer, Moore, Olds, Poindexter, Ragan, Sarnighausen, Shaffer, Shirk, Smith, Streight, Tarlton, Taylor, Traylor, Urmstan, Wilson, Winterbotham, Wood and Woollen—36.

No one voting in the negative.

The bill passed.

The title of the bill as read was approved by the Senate.

Mr. Woollen moved to take up Engrossed House Bill No. 377, entitled "An act regulating the practice of medicine, midwifery and surgery," etc., with the message of the House in relation thereto.

Which was agreed to.

The House message was read, together with the following message from the Governor:

Gentlemen of the House of Representatives :

I respectfully return House Bill No. 377, entitled "An act to regulate the practice of medicine, midwifery and surgery, and to provide penalties for violating the same," without my signature.

It is proposed to grant permission to practice medicine, midwifery and surgery to three classes of persons only, and to them upon condition that they obtain from the clerk of the circuit court of their respective counties a certificate in the form prescribed in section 9. The first class is composed of all persons who shall have obtained a diploma from a legally chartered medical college. By necessary implication the requirements of the first section are applicable only to colleges within this State, and graduates of a college without the State can not be included in the class. The second class is composed of all persons who shall have graduated in some legally chartered medical college by virtue of having practiced for the last preceding five years within this State, and in addition thereto attended one full course of lectures of sixteen weeks. The third class is composed of all persons who shall have practiced for the last preceding ten years consecutively within this State. To obtain the prescribed certificate a member of the first or second class must present his diploma and by his own oath identify himself as the person mentioned therein and that it has been properly and legally obtained. To obtain the same certificate a member of the third class must, by his own oath and that of two reputable witnesses, prove that he has practiced the required period within this State. It may be presumed that the proof is to be made to the satisfaction of the clerk from the fact that he alone may issue the certificate. The power to determine must imply authority to refuse, in his discretion, when not satisfied. He thus becomes a judge of the qualifications of persons held in high esteem many years before the arbitrary power was placed in his hands.

Any clerk who should issue a certificate to any person without his compliance with the requirements of the act would be liable to conviction, fine and imprisonment. Any person making a false oath to obtain a certificate would be subject to the pains and penalties of perjury. Any person practicing, or attempting to practice, either of the three arts—medicine, midwifery or surgery—in violation of the provisions of the act, would be liable to conviction as of a misdemeanor, imprisonment in the county jail for not less than six nor more than twelve months, and a fine of not less than twenty-five nor more than five hundred dollars, in the discretion of the

court. Section 13, which is the last, declares that an emergency exists for the immediate taking effect of the act, and proposes to put its provisions, including the sections 12, 11 and 10, fixing penalties for violations of its provisions, into immediate effect. So long as every person within the State is bound to know the statutes which you enact, both civil and criminal, I shall be unwilling to consent to placing any one in the attitude of a violator of law and defendant to an indictment, until he shall have had an opportunity to learn their provisions by a use of the means provided by the constitution for their publication and circulation in the several counties of the State by authority. Knowledge, or opportunity to obtain knowledge, of the provisions of every penal statute, should precede punishment for their violation. If this is not a penal statute, it contains language that might occasion fruitless and vexatious prosecutions. I object to the bill because of the emergency clause.

The definition (in section 10) of the offence committed by a person violating any of the provisions of the proposed act is exceedingly vague and uncertain and must be gained by an examination of the five sections first analyzed. A careful reading of those sections will disclose none but permissive terms. A member of either of the three classes described may, if he desire, obtain a certificate by complying with the provisions applicable to his peculiar case and paying the fee allowed to the clerk therefor. Is a clear requirement to do so contained in any language known to the criminal law? Is any person attempting to practice one, two or all of the arts, required first to obtain such certificate? If so, I object to the requirement.

Section 6 proposes that clerks of the circuit courts be required to keep a register of all persons complying with the provisions of this act. It does not specify who shall require this duty of the clerk, nor how it shall be enforced, nor impose a penalty for his failure to do so, nor provide for the expense incident thereto, nor make the register of any legal effect, nor declare its contents evidence of anything or in any proceeding in any court.

In our constitution we declare that all men are created equal, that they are endowed by their Creator with certain inalienable rights, that among these are life, liberty and the pursuit of happiness, we declare that the General Assembly shall not grant to any citizen, or class of citizens privileges or immunities which upon the same terms shall not equally belong to all citizens.

If the proposed act would have the effect to limit its privileges to male citizens to the exclusion of females, it should not, in my

opinion, become a law. If it could limit its provisions so that a person competent to practice one of the arts would be refused a certificate because unskilled in all, or not desirous to practice all, I object to it.

If as a consequence it would prohibit such persons from practicing their chosen art, I object to it the more.

If members of the first class alone, out of graduates by a full course in a college in this State may, and graduates of colleges outside of the State may not, commence practice, I object to it. If the conditions precedent to the issuance of a certificate are absolute, I object to that requirement, because an examination and a diploma may not be possible, in many cases, and no one is required to afford them. If the bill as a law would prohibit any person who has not practiced the three arts for the full term of five years, and graduated from a college within the State from practicing his profession, I object to it. Under such enactment a person of the highest skill and professional standing might not be allowed to practice until after a second graduation, unless he had completed his full term of five years practice in the State before the act had taken effect.

If it would prohibit from the practice every person who had not practiced for the last preceding ten years in this State, and has not graduated, I object to its becoming a law. Many of the most skillful persons in the profession might be excluded because they have not completed the required period of practice and may not enforce an examination by five members of their school of practice and the issuance of a diploma upon which to obtain a certificate.

That a person must receive authority to practice all the arts named in order to practice one, would impose a disability upon an estimable and honorable, however humble, class of our female citizens. Motives of humanity join our experience of the peculiar nature of their practice in condemning so unjust a discrimination.

Why should a law be passed to imprison any person for attempting to practice or for practicing medicine, midwifery or surgery, when called upon? Should any person be fined or imprisoned for attempting to administer to the afflicted and those in distress? Are our courts ready to sentence one of the mothers in Israel to the county jail for a term of six months, because engaged in practicing her art in a poor family that is unable to employ a regular physician, or that may live remote from the residence of one who has been able to secure a certificate?

Had such a law as this now proposed been in force in the days

when the good Samaritan administered to the poor man who fell among thieves and robbers, when he poured oil and wine into his wounds and placed him on his own beast and took him to the inn, he, too, would have been liable to be imprisoned and fined for those acts of neighborly kindness which have been a lesson to mankind to this day.

Recent developments brought about by your investigating committee admonish you to yield to woman, so far as may be, the care and medical attendance of members of her own sex. The effect of such a law upon many a worthy woman practicing her humble but honorable profession, and perhaps in her widowhood gaining a support for herself and dependent family, will alone justify your reconsideration of the bill.

I regret that my sense of duty requires this communication. It will, however, give greater satisfaction to both yourselves and me if the bill returned shall become a law by your deliberate reconsideration and vote upon it, notwithstanding these objections.

JAMES D. WILLIAMS.

Governor's Office, March 29, 1879.

Mr. Menzies moved that Engrossed House Bill No. 377 be put upon its passage, and upon that motion demanded the previous question, which was seconded by the Senate.

The main question was ordered.

The question being, shall the bill pass, the objections of the Governor to the contrary notwithstanding?

The ayes and noes were ordered and taken, resulting as follows:

Those who voted in the affirmative were: Senators Benz, Cadwallader, Foster, Fowler, Grubbs, Harris, Hefron, Kramer, Langdon, Menzies, Mercer, Moore, Olds, Poindexter, Sarnighausen, Shaffer, Smith, Traylor, Urmstan, Viehe, Winterbotham and Woolen—22.

Those who voted in the negative were: Senators Briscoe, Burrell, Davenport, Davis, Dice, Donham, Hart, Major, Ragan, Reeve, Shirk, Streight, Tarlton, Wilson and Wood—15.

The bill failed to pass for want of a constitutional majority.

Indefinite leave of absence was asked and obtained for Mr. Peterson.

Mr. Streight moved to take up Engrossed House Bill No. 568. Which was agreed to.

The following message was received from the House by the Clerk thereof:

MR. PRESIDENT:

I am directed by the Speaker of the House to inform the Senate that he has signed Enrolled House Act No. 527.

And the same is herewith transmitted to the Senate for the signature of the President thereof.

Engrossed House Bill No. 568, entitled "An act supplemental to an act entitled an act to provide for a general system of common schools," etc., was read the second time, with the report of the committee recommending its passage with certain amendments.

Which was concurred in.

Mr. Streight moved that the constitutional rule be suspended, the bill read the third time now and put upon its passage.

The question being on the motion to suspend the constitutional rule.

The ayes and noes were ordered and taken, resulting as follows:

Those who voted in the affirmative were: Senators Davenport, Davis, Dice, Fowler, Grubbs, Harris, Hart, Hebron, Kramer, Langdon, Mercer, Moore, Olds, Poindexter, Ragan, Sarnighausen, Shaffer, Shirk, Streight, Taylor, Traylor, Urmstan, Wood and Woollen—23.

Those who voted in the negative were: Senators Benz, Briscoe, Burrell, Donham, Menzies, Reeve, Tarlton and Winterbotham—8.

The constitutional rule was not suspended.

Mr. Streight moved to adjourn.

The ayes and noes were ordered and taken, resulting as follows:

Those who voted in the affirmative were: Senators Benz, Briscoe, Burrell, Davenport, Dice, Donham, Foster, Hart, Langdon, Mercer, Reiley, Shaffer, Smith, Streight, Weir, Wilson and Winterbotham—17.

Those who voted in the negative were: Senators Davis, Fowler, Grubbs, Harris, Hebron, Kramer, Major, Moore, Peterson, Ragan, Reeve, Sarnighausen, Shirk, Tarlton, Taylor, Traylor, Urmstan, Wood and Woollen—19.

The motion to adjourn was rejected.

The following message was received from the House by the Clerk thereof:

MR. PRESIDENT :

I am directed by the Speaker of the House to inform the Senate that he has signed enrolled House act No. 89.

And the same is herewith transmitted to the Senate for the signature of the President thereof.

Also, that the House has passed engrossed Senate bill No. 147, entitled "An act in relation to the inspection of petroleum oil.

And the same is herewith transmitted to the Senate.

Mr. Shirk moved to take up engrossed House bill No. 668.

Which was agreed to.

Mr. Burrell moved to adjourn.

The ayes and noes were demanded by Messrs. Burrell, Benz, Wood, Harris and Reeve, which being ordered and taken resulted as follows:

Those who voted in the affirmative were: Senators Benz, Briscoe, Burrell, Davenport, Donham, Foster, Hart, Hefron, Kramer, Langdon, Major, Sarnighausen, Shaffer, Smith, Streight, Tarlton, Weir, Wilson and Winterbotham—19.

Those who voted in the negative were: Senators Davis, Dice, Fowler, Grubbs, Harris, Menzies, Moore, Poindexter, Ragan, Reeve, Shirk, Taylor, Traylor, Urmastan, Viehe, Wood and Woolen—17.

The motion was agreed to.

The Senate adjourned.

(Approved.)

ISAAC P. GRAY,
President of the Senate.

MONDAY MORNING.

MARCH 31, 1879.

The Senate met at 9 o'clock A. M., Lieutenant-Governor Gray in the chair.

On motion by Mr. Viehe Senator Burrell took the chair.

The Journal of Saturday was being read, when, on motion of Mr. Harris, the further reading was dispensed with.

Mr. Harris moved that the House amendment to Senate Joint Resolution No. 46 be concurred in.

Which was agreed to, and the amendment was concurred in.

Mr. Langdon offered the following resolution:

Resolved by the Senate, That the Secretary of State, the Auditor of State, the Treasurer of State and the Attorney General be and they are hereby severally required to report to the Senate of the fifty-second session of the General Assembly, within two weeks of the opening of said session, as follows:

First. The total gross amount of fees, salary, compensation or income received or charged by him or his predecessor in office for each of the years 1876, 1878, 1879, 1880, and for the fraction of the year up to the date of the report.

Second. That said fees, salary, compensation or income shall be classified for each year or fraction thereof, together with a reference to statute or statutes, and the particular clause or section thereof by virtue of which said fees, salary, compensation or income, or any part thereof, was received or charged.

Third. The amount paid or allowed by him or his predecessor out of said total gross income, fees, compensation or salary for assistance or on account of the discharge of the duties of his office for each of said years, classifying the same, with reference to the classification hereinbefore mentioned.

Fourth. The number of said assistants, the duties discharged by them and the time of their engagement therein.

Fifth. Whether full and accurate accounts and records have been kept of all the matters and things required to be reported by this resolution, and if not, of what matters no account has been kept.

Which was adopted.

Mr. Winterbotham, from the committee on finance, reported back the resolution and statement relative to the expenses incurred in conducting the investigation of the benevolent institutions recommending the adoption of the resolution and the payment of all the claims thereto attached.

Which was concurred in.

Mr. Benz, from the committee on temperance, returned numerous temperance petitions, etc., with the following report:

MR. PRESIDENT:

Your committee on temperance, to whom was referred certain petitions, memorials, etc., relative to temperance, have had the same under consideration and I am instructed to report the same back with the recommendation that they all do lie on the table for the reason that said petitions and memorials were received too late in the special session to be acted on by the Legislature.

He also returned to the files of the Senate Senate bills Nos. 202 and 44.

Mr. Langdon submitted the following report :

MR. PRESIDENT:

The special committee, to whom was referred Senate Resolution No. 35, concerning wet lands, have had the same under consideration, and report that they are not sufficiently advised to recommend any action upon the subject of said resolution at this session of the General Assembly, and therefore offer the following for adoption by the Senate :

Resolved, That the members of said special committee are severally authorized to collect information and make recommendation touching the drainage of Kankakee valley, and make report thereof to the Senate at the next session of the General Assembly.

The report was concurred in and the resolution adopted.

Mr. Kent, from the committee on corporations, reported Engrossed House Bills Nos. 456, 587 and 625, with the report of the committee recommending that they lie upon the table.

Which was placed on file.

Mr. Viehe, from the special committee, reported back engrossed House bill No. 699, with the report of the committee recommending that the same do pass, with certain amendments.

Which was placed on file without reading.

Mr. Viehe offered the following resolution :

Resolved by the Senate (the House of Representatives concurring therein), That the acts of the general and special session of this General Assembly shall be bound in one volume, and only one index shall be made to the acts of the two sessions.

Which was adopted.

• Mr. Taylor, from the committee on roads, reported Senate bill
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No. 301, with the report of the committee recommending its indefinite postponement.

Which was placed on file without reading.

Mr. Grubbs, from the committee on the judiciary, reported back engrossed House bill No. 120, with the recommendation that it be indefinitely postponed; also, engrossed House bill No. 486, without recommendation.

Which were placed on file without reading.

Mr. Grubbs, from the committee on the organization of courts, reported engrossed House bill No. 319, with the report of the committee recommending its passage with certain amendments.

Which was placed on file without reading.

Mr. Foster, from the committee appointed to investigate the benevolent institutions of the State, submitted a majority report relative to the result of their investigation.

Which was placed on file without reading.

Mr. Smith, from the same committee, submitted a report differing from the foregoing.

Which was placed on file without reading.

Mr. Fowler, from the committee on insurance, reported Senate Bill No. 22.

Which was placed on file without reading.

Mr. Wood offered Joint Resolution No. 35, entitled "A Joint Resolution requesting Indiana Congressmen to procure appropriations for dredging the Kankakee and Calumet rivers."

Which was adopted.

Mr. Traylor moved to take up House Concurrent Resolution No. 29 providing for the indexing of the House and Senate Journals, etc.

Mr. Foster moved that it be indefinitely postponed.

Which was rejected.

Mr. Reeve moved to lay the resolution on the table.

Which was agreed to.

Mr. Traylor moved to take up House amendments to Senate concurrent resolution No. 48 concerning pay to Marion county for gas, fuel, etc.

Which was agreed to.

The House amendments were read and concurred in.

Mr. Sarnighausen offered the following resolution:

Resolved, That the Secretary of State be and the same is hereby requested to send at his earliest convenience, to every Senator, a copy of the Senate Journal, House Journal, Documentary Journal, and Acts of the regular and special sessions of the Legislature, in the year 1879, and that the Secretary of the Senate is hereby directed to furnish the Secretary of State with a copy of this resolution.

Which was adopted.

Mr. Kent offered a resolution of thanks to Olney Newell, Esq., Journal Clerk of the regular session.

Which was adopted.

Mr. Reeve offered the following resolution:

Resolved by the Senate, That the thanks of the Senate are extended to Lieutenant-Governor Gray for his fairness, impartiality and uniform courtesy, as well as ability in presiding over the deliberations of the Senate during the regular and special sessions of the Fifty-first General Assembly.

Which was adopted by a rising vote.

Mr. Fowler offered a resolution directing the Secretary of State to have the Acts of the regular and special sessions of the General Assembly bound in one volume.

Which was agreed to.

Mr. Reeve asked and obtained leave to withdraw Senate Bills Nos. 79, 99, 132, 137½, 138, 316, 327, 337, 390, 269, 279, 278, 286, 290, 291, 292, 348 and 442.

Mr. Briscoe asked and obtained leave to withdraw Senate Bills Nos. 70, 117, 349, 398, 215, 255, 262 and 359.

Mr. Traylor withdrew Senate Bill No. 421.

Mr. Winterbotham offered a concurrent resolution allowing Jesse Hough the sum of \$8 for washing of towels, etc., for the use of the Senate.

Which was adopted.

Mr. Woollen, from the committee on finance, submitted the following:

MR. PRESIDENT:

The committee on finance, to which was referred the claim for Brevier Reports, printed for the Forty-ninth General Assembly, under a custom continued by the claimant for seventeen consecutive

years, respectfully recommend the passage of the following resolution :

Resolved by the Senate (the House of Representatives concurring therein), That the Governor, Auditor and Secretary of State are hereby directed to settle the claim of W. H. Drapier, for Brevier Reports printed for the State under a custom sanctioned by acts of every General Assembly since 1857 in his favor for seventeen years.

J. H. WINTERBOTHAM.

S. E. URMSTAN.

L. J. WOOLLEN.

N. CADWALLADER.

Objection being raised the report was withdrawn.

Mr. Hart asked and obtained leave to withdraw the following Senate bills introduced by himself: Senate bills Nos. 107, 245, 339, 369 and 459.

Mr. Sarnighausen offered the following resolution :

Resolved, That a committee of two members of the Senate be appointed by the President, to meet with a like committee on the part of the House, to wait upon His Excellency the Governor, and to ascertain from him whether he has any further communications to make to the Legislature.

Which was adopted.

The chair appointed as such committee, Senators Sarnighausen and Taylor.

Mr. Viehe offered a concurrent resolution directing the Attorney General to make an investigation of the accounts of his predecessors.

Which was adopted.

Mr. Harris offered the following resolution :

Resolved, That the thanks of the Senate are hereby tendered to the several members of ministry who have from day to day attended upon the opening of the sessions and invoked divine blessings upon this body.

Which was adopted.

Mr. Viehe, from the committee on the judiciary, returned a resolution relative to the constitutional amendments, and a petition from citizens of Wayne county.

Which were placed on the files of the Senate.

On motion by Mr. Reeve, Mr. Viehe was appointed President *pro tempore* of the Senate.

On motion by Mr. Traylor, House Concurrent Resolution No. 41, concerning soap and towels for the use of the General Assembly, was taken up and adopted.

Mr. Reeve offered the following resolution :

Resolved, That the Librarian be instructed to take possession of the stationery, books and other property furnished for the Senate remaining unused, and preserve the same for the use of the next General Assembly, and the officers of the Senate are directed to turn over to the Librarian all materials in their hands at the close of the session.

Which was adopted.

Mr. Reeve offered following resolution :

Resolved by the Senate (the House of Representatives concurring therein), That Edward J. Barry, Principal Journal Clerk, and John D. Cushman, Assistant Journal Clerk, be allowed the sum of thirty-five dollars each for extra work on the Journal, and for completing the copy of the same after the adjournment, and the President of the Senate is hereby authorized to draw his warrant for the same.

Which was adopted.

Mr. Harris moved to take up House Concurrent Resolution No. 40, providing for the payment of the price of the Revised Statutes procured for the use of Senators, by the State Librarian.

Which was agreed to.

On his further motion, House Concurrent Resolution No. 40 was taken up and adopted.

Mr. Leeper offered the following resolution :

Resolved, That the thanks of the Senate are due and are hereby tendered the Commissioners of Marion county, for their generosity in extending to the General Assembly the use of rooms in the Court House, for the holding of its sessions until the new State House shall be completed.

Which was adopted.

Mr. Reeve submitted the following :

MR. PRESIDENT:

The committee on finance, to whom was referred the claim for Brevier Reports printed for the forty-ninth General Assembly, under a custom continued by the claimant for seventeen consecutive years, respectfully recommend the passage of the following resolution:

Resolved by the Senate (the House of Representatives concurring therein), That the Governor, Auditor and Secretary of State are hereby authorized to settle the claim of W. H. Drapier, for Brevier Reports printed for the State under a custom sanctioned by acts of every General Assembly since 1857 in his favor for seventeen years.

J. H. WINTERBOTHAM,

S. E. URMSTAN,

L. J. WOOLLEN,

N. CADWALLADER,

Members of Finance Committee.

Mr. Reeve demanded a call of the Senate, which being ordered and taken, discovered thirty-five Senators present and answering to their names.

On motion of Mr. Traylor further proceedings under the call were dispensed with.

The ayes and noes were ordered and taken, resulting as follows:

Those who voted in the affirmative were: Senators Kent, Leeper, Menzies, Reeve, Sarnighausen, Shaffer, Tarlton, Urmstan, Winterbotham and Wood—10.

Those who voted in the negative were: Senators Benz, Briscoe, Burrell, Davenport, Davis, Donham, Foster, Fowler, Garrigus, Grubbs, Harris, Hart, Kramer, Langdon, Major, Ragan, Shirk, Smith, Streight, Taylor, Traylor, Treat, Viehe, Wilson and Woollen.—25.

The following message was received from the House by the Clerk thereof:

MR. PRESIDENT:

I am directed by the Speaker of the House to inform the Senate that the House has adopted House Concurrent Resolution No. 44.

Also, House Concurrent Resolution No. 45.

And the same are herewith transmitted to the Senate for its action thereon.

The following message was received from the House by the Clerk thereof:

MR. PRESIDENT:

I am directed by the Speaker of the House to inform the Senate that the House has adopted Senate Joint Resolution No. 35.

Also, that the House has adopted House Concurrent Resolution No. 46,

Also, that the House has adopted Senate Concurrent Resolution No. 49.

And the same are herewith transmitted to the Senate.

Mr. Fowler moved to take up House Concurrent Resolution No. 29, concerning pay to Clerks of House and Secretaries of Senate for indexing, etc.

Which was agreed to.

The question being on the adoption of the resolution.

Mr. Reeve demanded the previous question, which was seconded by the Senate.

The main question was ordered.

The question being on the adoption of the resolution.

The ayes and noes being demanded by Messrs. Fowler and Briscoe, they were ordered and taken, resulting as follows:

Those who voted in the affirmative were: Senators Benz, Davis, Fowler, Kent, Leeper, Major, Reeve, Sarnighausen, Smith, Urmstan and Winterbotham—11.

Those who voted in the negative were: Senators Briscoe, Burrell, Davenport, Dice, Donham, Foster, Garrigus, Grubbs, Harris, Hart, Kramer, Langdon, Menzies, Moore, Ragan, Shirk, Streight, Tarlton, Taylor, Traylor, Treat, Viehe and Wilson—23.

The resolution was rejected.

The following message was received from the House by the Clerk thereof:

MR. PRESIDENT:

I am directed by the Speaker of the House to inform the Senate that he has signed enrolled House Joint Resolution No. 43, and the same is herewith transmitted to the Senate for the signature of the President thereof.

I am further directed by the Speaker of the House to inform the Senate that the House has adopted House Concurrent Resolution No. 47, and the same is herewith transmitted to the Senate.

I am further directed by the Speaker of the House to inform the Senate that the House has adopted Senate Concurrent Resolution No. 51.

Also, House Concurrent Resolution No. 48.

And the same are herewith transmitted to the Senate.

Mr. Sarnighausen, from the committee appointed to wait upon the Governor, submitted the following report:

MR. PRESIDENT:

Your committee appointed to wait upon His Excellency the Governor, and to ascertain from him whether he has to make any further communications to the General Assembly, ask leave to report that they have fulfilled their duty, and have been informed by the Governor that he has no further communications to make.

The chair laid before the Senate the following communication from the Governor:

Gentlemen of the Senate:

I have received Senate resolutions numbered as follows:

Concurrent Resolution No. 41. Received March 21, 1879.

Joint Resolution No. 45. Received March 28, 1879.

Joint Resolution No. 46. Received March 31, 1879.

And have caused the same to be deposited in the office of the Secretary of State.

JAMES D. WILLIAMS,
Governor.

March 31, 1879.

Mr. Urmstan offered a concurrent resolution allowing the assistant doorkeepers of the Senate the same pay as those of the House of Representatives.

The ayes and noes being demanded by Messrs. Langdon and Briscoe, they were taken with the following result:

Those who voted in the affirmative were: Senators Benz, Burrell, Davenport, Davis, Dice, Donham, Fowler, Kent, Leeper, Major, Menzies, Moore, Sarnighausen, Tarlton, Traylor, Urmstan, Viehe, Winterbotham and Woollen—19.

Those who voted in the negative were: Senators Briscoe, Foster, Garrigus, Grubbs, Harris, Hart, Kramer, Langdon, Ragan, Reeve, Shirk, Smith, Streight, Taylor and Treat—15.

The resolution was adopted.

Mr. Langdon moved to take up House Resolution No. 16 with reference to the payment of the salary of the Chief of the Bureau of Statistics in quarterly installments.

The motion was agreed to.

The question being on concurrence therein.

The ayes and noes were demanded by Messrs. Benz and Harris, which being ordered and taken, resulted as follows:

Those who voted in the affirmative were: Senators Briscoe, Davenport, Davis, Dice, Donham, Fowler, Garrigus, Grubbs, Harris, Kent, Langdon, Leeper, Menzies, Moore, Ragan, Reeve, Sarnighausen, Shirk, Smith, Streight, Tarlton, Taylor, Treat, Urmstan, Viehe, Wilson and Woollen—27.

Those who voted in the negative were: Senators Benz, Burrell, Foster, Hart, Kramer, Traylor and Winterbotham—7.

The resolution was adopted.

Mr. Benz moved to take up engrossed House Bill No. 377, entitled "A bill to regulate the practice of medicine."

Mr. Wilson moved to lay the motion on the table.

The ayes and noes were demanded by Messrs. Langdon and Wilson, and being ordered and taken, resulted as follows:

Those who voted in the affirmative were: Senators Briscoe, Davenport, Garrigus, Hart, Langdon, Leeper, Moore, Reeve, Shirk, Streight, Taylor, Treat and Wilson—13.

Those who voted in the negative were: Senators Benz, Davis, Dice, Foster, Fowler, Grubbs, Harris, Kent, Kramer, Menzies, Ragan, Sarnighausen, Smith, Tarlton, Traylor, Urmstan, Viehe and Winterbotham—18.

No quorum voting.

Mr. Streight moved that the Senate adjourn *sine die*, whereupon

The Lieutenant-Governor said:

SENATORS: This General Assembly having decided to close its labors, its laws are now a part of the legislative history of the State, and I trust that time and experience will show that the wisdom of its acts will compare favorably with those of any former General Assembly.

It is possible that some things have been done which had better been left undone; that you have failed to pass some measures which the public wants demand. To some extent all legislation is an experiment. But few measures are passed by unanimous consent. There is most always a divided opinion as to the practicability or justness of the measure pending. This necessitates an interchange of views and breeds discussion. The friends of the measure, believing the public welfare demands its passage, strive by argument to

perfect its provisions and secure for it the requisite majority. Its opponents, believing its enactment will be inimical to the State, strive with equal zeal to prevent its becoming a law. And thus what some consider as time wasted in debate is but an honest endeavor to conserve the public good. This diversity of opinion and inability to see alike is one of the faults of poor human nature, and will exist as long as man is fallible. When he arrives at a state of infallibility no legislative bodies will be needed. There will be neither makers nor breakers of the law. Then all mankind will walk together in one harmonious intercourse, amenable only to Him whose laws are written on the tablets of eternal time. Then, indeed, will the millennium have come, and that car of natural progress, whose wheels turn not backward, will have reached its destination, which lies in the brightness of the latter day.

The labors of the General Assembly have not been light. It has apportioned the State for representation in the General Assembly and for representation in Congress. It has enacted upwards of one hundred other laws, among which are: Reducing the rate of interest on contract and judgment; exempting to the debtor from execution property to the amount of six hundred dollars; exempting a portion of the wages of the laborer, so necessary to the support of his family; saving from attachment and garnishee proceeding the laborer's wages, in cases where the plaintiff and defendant are non-residents of the State; to further protect the life and health of the miner in his dark and perilous employment in the mine; for the better government of the benevolent and reformatory institutions; reducing the fees and salaries of State and county officers, saving to the people thereby alone upwards of one hundred thousand dollars annually. I trust its legislation will prove beneficial to the people, and tend to further the prosperity and renown of the State.

Senators, I thank you for your approval of the manner in which I have discharged the duties of the chair. Not in words merely formal, but with deep sincerity do I thank you. I have discharged its duties as I saw them and understood them, actuated by no motive other than to preserve order and decorum, and facilitate legislation. The duties of a presiding officer are necessarily laborious, requiring patience, strict attention and prompt decision, and if at any time the manner of my rulings have seemed harsh, I assure you it was not so intended, and sincerely hope I have in no instance been so unfortunate as to unintentionally give offense. I can not

leave without expressing the deep obligation I am under to each of you for that deference with which you have always bowed to my rulings; and for that respect and courtesy exhibited toward the chair at all times, even when political asperity and party rancor seemed to hold sway in the chamber. I thank you to a far greater extent than I can find words to express, and in parting can truly say that I am possessed of no feeling other than that of the kindest nature toward each and every member and employe of this body, and shall carry with me through life the most pleasing recollections of our associations, and hope that, without regard to political proclivities, I may count each of you my personal friend.

The final adjournment of a legislative body is to me always an occasion of solemnity. Despite myself the thought will flash upon my mind that these tongues that have been so animated in debate will, in a few short years, be stilled forever. Yes, Senators, we will all soon have to answer the roll call that will come from over the dark, deep, wide river to meet in that silent assembly that sits on its other farther shore, where Democrat, Republican and National occupy seats side by side, free from political asperity and party hate; an assembly that never adjourns, the members of which answer the call of the roll but once. If my life shall be spared I hope to be here in January, 1881, to convene this Senate, and when I shall order the call of the roll may every Senator holding over be here in health to answer to his name. I thank you all for your many acts of kindness and partiality, and wish that many years of prosperity, health and happiness may be vouchsafed to each of you.

The question is on the motion of the Senator from Marion, that the Senate adjourn *sine die*. As many as favor the motion will say "aye," those of a contrary opinion "no."

It is carried.

And the Senate was adjourned *sine die*.

(Approved.)

ISAAC P. GRAY,
President of the Senate.

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64	Langdon.....	33	Judiciary.....	{ 187			
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65	Grubbs.....	36	Judiciary.....	218	391	391	391
66	Reeve.....	37	Judiciary.....	{ 155			
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67	Menzies.....	37	Agriculture.....	190			
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68	Major.....	37	Judiciary.....	153	489		
69	Shirk.....	37	Benevolent Institutions.....	285	370	460	460
70	Briscoe.....	37	Judiciary.....	317			
71	Leeper.....	37	Organization of Courts.....	122	156	175	175
72	Hart.....	37	Corporations.....				
73	Moore.....	38	Judiciary.....	71	96		
74	Fowler.....	38	Mines.....	{ 184			
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75	Wood.....	38	Judiciary.....	138	680		
76	Foster.....	38	Judiciary.....	69	98		
77	Cadwallader.....	38	Judiciary.....	186	489		
78	Shirk.....	38	Judiciary.....	{ 106	119	627	627
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79	Reeve.....	40	Judiciary.....	249	{ 487	627	627
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80	Kramer.....	41	County and Township Business.....	{ 122	141		
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81	Trusler.....	41	Judiciary.....	234			
82	Davenport.....	41	{ Judiciary.....	162	490		
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83	Leeper.....	41	Organization of Courts.....	401			
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84	Foster.....	41	{ Special.....				
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85	Fowler.....	42	Organization of Courts.....		680		
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87	Olds.....	42	Education.....	295	680		
88	Comstock.....	42	Judiciary.....	121	{ 140		
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89	Winterbotham.....	43	Banks.....	350	680		
90	Ragan.....	43	Fees and Salaries.....	160			
91	Moore.....	43	Judiciary.....	162	898	898	898
92	Wilson.....	43	Temperance.....	328			
93	Ragan.....	49	Judiciary.....	181			
94	Wood.....	49	Agriculture.....	94	435	471	471
95	Ragan.....	49	Judiciary.....	181			
96	Garrigus.....	49	Fees and Salaries.....	159			
97	Grubbs.....	49	Special.....	184			
98	Davenport.....	49	Judiciary.....	132			
99	Reeve.....	50	Judiciary.....	294			
100	Kent.....	60	Judiciary.....	100	119		
101	Sarnighausen.....	60	Rights and Privileges.....	122	141	176	176
102	Menzies.....	60	Judiciary.....	134			
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103	Foster.....	60	{ Conference.....	463			
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104	Wood.....	60	Railroads.....	820			
105	Fowler.....	61	Judiciary.....	{ 121	156		
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106	Cadwallader.....	61	Judiciary.....	155			
107	Hart.....	61	Education.....	288			
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115	Fowler.....	75	Insurance.....	190			
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120	Coffey.....	79	Judiciary	135			
121	Trusler.....	79	Judiciary	100	118		
122	Shaffer.....	79	Railroads	156	414	471	471
123	Grubbs.....	79	Judiciary	163			
124	Smith.....	80	{ Judiciary	121	157		
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125	Foster.....	80	Judiciary	100	118	176	176
126	Burrell.....	80	Insurance.....	320			
127	Comstock.....	80	Judiciary	135			
128	Cadwallader.....	80	Judiciary	161			
129	Menzies.....	80	Judiciary	130			
130	Viehe.....	81	Judiciary	130			
131	Harris.....	81	Judiciary	133		313	313
132	Reeve.....	81	Judiciary	317			
133	Moore.....	81	Roads.....	130			
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134	Urmston.....	82	Special.....	914			
135	Wood.....	82	Judiciary	184			
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136	Dice.....	82	Special.....	184	258	276	277
137	Taylor.....	82	County and Township Business.....	150			
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138	Garrigus.....	84	Judiciary	122	157	177	177
139	Garrigus.....	84	Judiciary	186			
140	Menzies.....	84	{ Corporations	129	263		
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141	Lerper.....	85	{ Rights and Privileges.....	131			
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142	Foster.....	85	Judiciary	153			
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145	Comstock.....	85	Judiciary	133			
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147	Grubbs.....	85	Rights and Privileges.....	293	890	899	899
148	Wood.....	86	Judiciary	130			
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150	Davis.....	86	Finance.....	162			
151	Trusler.....	86	{ County and Township Business.....	122	157		
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152	Wilson.....	86	Judiciary	133			
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154	Harris.....	87	Corporations	189			
155	Grubbs.....	87	Judiciary	140			
156	Ragan.....	87	County and Township Business.....	122	158		
157	Foster.....	87	Judiciary	134			
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161	Harris.....	88	Judiciary	149			
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163	Ragan.....	88	County and Township Business.....	122	154	177	178
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169	Hart	90	Judiciary	181	415	472	472
170	Langdon	91	Judiciary	211			
171	Foster	91	Judiciary	132	691	691	691
172	Moore	91	Judiciary	131			
173	Fowler	91	Judiciary	188			
174	Viehe	91	Judiciary	121	142		
175	Sarnighausen	91	Education	186	398	472	472
176	Traylor	91	Corporations	294	434	473	473
177	Coffey	91	Judiciary	161			
178	Sarnighausen	92	Education	295			
179	Harris	92	Judiciary	{ 255 321	394		
180	Burrell	92	Judiciary	132	354	364	364
181	Grubbs	92	Judiciary	163			
182	Comstock	92	Judiciary	815			
183	Woolen	92	Judiciary	135			
184	Foster	92	Judiciary	210	361	382	382
185	Ragan	93	Judiciary	{ 119 132			
186	Olds	95	Organization of Courts	252			
187	Fowler	96	{ Judiciary	{ 185 239 253	323	390	390
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190	Grubbs	96	Judiciary	135			
191	Grubbs	96	Judiciary	155			
192	Grubbs	96	Judiciary	119	141	178	178
193	Ragan	97	Judiciary	134			
194	Comstock	97	Judiciary	135	{ 377 389 787 392	438	438
195	Viehe	109	Judiciary	815	791	791	
196	Streight	109	Roads	159	478	478	478
197	Kent	110	Elections	185	404	405	405
198	Cadwallader	110	Railroads	295	408	408	408
199	Benz	110	County and Township Business	{ 149 373			
200	Kramer	110	Judiciary	161			
201	Dice	110	Roads				
202	Poindexter	111	Education	191			
203	Coffey	111	Organization of Courts	232			
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205	Olds	116	Rights and Privileges	{ 189 318			
206	Burrell	120	Judiciary	210			
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208	Kramer	125	County and Township Business	183			
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212	Major	126	Judiciary	187			
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215	Briscoe	127	Judiciary	251			
216	Traylor	127	Judiciary	296	385	385	385
217	Hart	127	Judiciary	161			
218	Poindexter	127	Judiciary	136			
219	Taylor	127	Organization of Courts	187			
220	Urmston	128	Apportionment				
221	Treat	128	Temperance	828			
222	Fowler	137	Insurance				
223	Wilson	137	Corporations				
224	Garrigus	137	Judiciary	212			
225	Grubbs	138	Judiciary	186			
226	Foster	138	Judiciary	804			
227	Winterbotham	138	Rights and Privileges	254			
228	Poindexter	138	Temperance	827			
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254	Viehe.....	151	Judiciary	187	371	371	372
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260	Burrell.....	152	Fees and Salaries.....	375			
261	Wilson.....	152	Finance.....	294	902	903	903
262	Briscoe.....	152	Roads.....	190			
263	Fowler.....	152	Judiciary	249			
264	Burrell.....	153	Organization of Courts	297	153		
265	Leeper.....	153	Organization of Courts	252			
266	Wilson.....	153	Finance.....	316			
267	Olds.....	153	Organization of Courts	252	408	474	474
268	Kramer.....	165	Judiciary	263	287	288	288
269	Reeve.....	165	Judiciary	259			
270	Streight.....	165	Organization of Courts	439	446	447	447
271	Comstock.....	165	Judiciary	210	405	473	474
272	Leeper.....	165	Finance.....	203			
273	Langdon.....	166	Judiciary	212			
274	Ragan.....	166	Judiciary	251	438		
275	Reeve.....	166	Judiciary	251			
276	Menzies.....	166	Judiciary	248			
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278	Reeve.....	166	{ Judiciary	187			
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279	Wilson.....	167	Judiciary	212			
280	Comstock.....	167	Judiciary	247	247	283	283
281	Fowler.....	167	Judiciary	191			
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283	Grubbs.....	167	Apportionment	914			
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286	Reeve.....	168	Judiciary	212			
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288	Viehe.....	168	Judiciary	317			
289	Reeve.....	168	Judiciary	388			
290	Reeve.....	170	Judiciary	777			
291	Reeve.....	170	Judiciary	250			
292	Reeve.....	170	Judiciary	250			
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297	Hebron.....	180	Rights and Privileges	254	444	{ 476	476
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300	Sarnighausen	191	Corporations	442			
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302	Winterbotham	192	Apportionment.....	914			
303	Leeper.....	192	{ Insurance.....	248	248	284	284
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304	Streight.....	192	Railroads	334			
305	Shaffer.....	192	Special	321			
306	Streight.....	192	Agriculture	249			
307	Menzies.....	193	Judiciary	255	412	476	476
308	Kramer.....	193	County and Township Business.....	251			
309	Comstock.....	193	Judiciary	250			
310	Fowler.....	193	Judiciary	295			
311	Poindexer.....	193	Education.....	374			
312	Wilson.....	194	Special	249		517	517
313	Traylor.....	195	Judiciary	298			
314	Langdon	195	{ Judiciary	375			
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316	Reeve.....	204	Judiciary	320			
317	Ragan.....	204	Railroads.....				
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319	Taylor.....	204	Organization of Courts	248			
320	Hefron.....	205	Elections	255			
321	Sarnighausen	205	Corporations	253			
322	Garrigus.....	205	County and Township Business.....	253			
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324	Fowler.....	205	Judiciary	415	477	477	477
325	Heilman.....	213	Judiciary	914			
326	Major.....	213	Apportionment	827			
327	Reeve.....	214	Temperance	248			
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330	Hefron.....	214	Elections	253	395	395	395
331	Tarleton.....	214	Education	298			
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335	Sarnighausen	215	Judiciary				
336	Moore.....	215	Judiciary	254	366	367	367
337	Judiciary Committee.....	211	Rights and Privileges.....				
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342	Burrell.....	216	Judiciary	248			
343	Burrell.....	216	Judiciary	317			
344	Menzies.....	216	Judiciary				
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346	Viehe.....	216	Judiciary	298			
347	Heilman.....	216	Corporations	297	431	432	432
348	Reeve.....	216	Judiciary	373			
349	Briscoe.....	216	Judiciary				
350	Dice.....	217	Roads.....	297			
351	Trusler.....	217	Judiciary	254			
352	Davenport.....	217	Rights and Privileges.....	263	398	398	398
353	Langdon.....	217	Corporations	914			
354	Hefron.....	217	Apportionment.....	296			
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356	Kramer.....	218	Judiciary	296			
357	Hefron.....	218	Finance.....	441			
358	Garrigus.....	218	Corporations.....	296			
359	Briscoe.....	218	Judiciary	297			
360	Foster.....	219	Judiciary	296			
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362	Taylor.....	219	County and Township Business.....	295			
363	Reeve.....	245	Education.....	875			
364	Langdon.....	260	Roads.....	319	397	397	397
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372	Winterbotham	265	Railroads	320			
373	Winterbotham	265	Railroads	319			
374	Poindexter.....	265	Rights and Privileges	319			
375	Davis.....	265	Corporations.....	401	435	527	528
376	Dice.....	266	Judiciary	512			
377	Langdon	266	County and Township Business	293			
378	Coffey.....	266	Judiciary	317			
379	Judiciary Committee.....	270	Corporations.....	288	289	289	
380	Fowler.....	276	Benevolent Institutions.....	318			
381	Traylor.....	285	Public Printing	304		477	478
382	Davis.....	285	Railroads	315	315	386	386
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384	Menzies.....	286	Military Affairs.....	320			
385	Fowler.....	286	Reformatory Institutions.....	441			
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387	Langdon	293	Rights and Privileges.....	440			
388	Kramer.....	303	Fees and Salaries.....	315			
389	Shirk.....	315	Rights and Privileges.....	402			
390	Reeve.....	315	Judiciary	376			
391	Hellman	315	Agriculture	374	436	478	478
392	Dice.....	315	Education	400			
393	Langdon	328	Judiciary	400	518	519	519
394	Shaffer.....	328	Finance.....	350			
395	Weir.....	328	Education.....	400			
396	Woolen.....	328	Rights and Privileges	373			
397	Kramer.....	329	Education.....	395			
398	Briscoe.....	329	Organization of Courts.....	439			
399	Taylor.....	329	Judiciary	399			
400	Fowler.....	329	Judiciary	458		459	459
401	Menzies.....	329	Benevolent Institutions.....	440			
402	Langdon	330	Corporations	401			
403	Fowler.....	330	Claims	586			
404	Comstock.....	330	Judiciary	400			
405	Dice.....	330	Judiciary	400			
406	Burrell.....	330	County and Township Business	510			
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408	Streight.....	331	Finance.....	510			
409	Harris.....	331	County and Township Business	441			
410	Wood.....	331	Printing	373			
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412	Langdon	331	Judiciary	373			
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415	Poindexter.....	334	Corporations	401			
416	Poindexter.....	334	Judiciary	373			
417	Wilson.....	334	County and Township Business	510			
418	Moore.....	335	Railroads.....	588			
419	Smith.....	335	Agriculture.....	441			
420	Shirk.....	333	Benevolent Institutions.....	374			
421	Traylor.....	334	Judiciary	587			
422	Grubbs.....	334	Judiciary	459			
423	Menzies.....	334	Insurance.....	360	520		
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425	Hefron.....	332	Corporations	448	448		
426	Poindexter.....	338	Benevolent Institutions	509	681	690	691
427	Burrell.....	338	Corporations	513	681	811	811
428	Sarnighausen	402	Special.....	510			
429	Comstock.....	402	Judiciary	586	681	757	757
430	Wood.....	408	Rights and Privileges.....	518			
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432	Fowler.....	408	Judiciary	587	638	639	639
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434	Kahlo.....	403	Judiciary	509			
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440	Menzies	460	Apportionment				
441	Heilman	460	Judiciary	815			
442	Reeve	461	Judiciary	485	482	486	486
444	Shirk	616	Benevolent Institutions	621	622	622	622
445	Ragan	690			631	631	631
446*	Langdon	585					
446	Grubbs	631			632	632	632
447	Fowler	632			633	633	633
448	Menzies	633			634	634	634
449	Kahlo	634			635	635	635
450	Viehe	635			635	635	636
451	Shaffer	636			636	636	637
452	Peterson	637			637	637	637
453	Dice	639			640	640	640
454	Streight	640			640	640	640
455	Reeve	663					
456	Viehe	690	Special	695			
457	Benz	720					
458	Reeve	808	Judiciary	815	820	828	829
459	Hart	820	Corporations	890			
460	Garrigus	885	Judiciary	888		888	888
461	Streight	900					

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9	351	Judiciary.....	401	482	529	529
11	589	Roads.....	675	810	839	839
12	419	Corporations.....	440	482	528	529
13	798	Judiciary.....	816			
14	851	Rights and Privileges.....	374	482	533	533
15	352	Corporations.....	401	483	534	534
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17	352	(Railroads.....	{ 815 }			
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20	619	(Statistics.....	869	821	840	840
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22	558	(Special.....	886	792	808	809
		(Conference.....	481	486	528	528
24	419	Judiciary.....	815	873	893	893
32		Judiciary.....		484		
35	352	Judiciary.....	510	821	841	841
38	416	County and Township Business.....	676	915		
47		Canals.....	440	479	534	534
55	420	Corporations.....	439	486	534	534
56	408	Organization of Courts.....	675			
58		Rights and Privileges.....	509	822	823	823
59	416	Judiciary.....	{ 674 } 826	{ 842 } 847	842	847
82		Special.....	512			
88	417	Judiciary.....	836	907	908	908
89		Judiciary.....	817	886	905	908
105	798	Rights and Privileges.....	449	449	516	516
107	802	Organization of Courts.....	776	777	777	777
112	411	Benevolent Institutions.....	845	976	884	884
114		Judiciary.....	980			
115	798	Corporations.....	439	487	535	535
120	798	Judiciary.....		563	563	563
122	417	Education.....	586	884		
126	562	Judiciary.....	511	834	849	849
131	417	Judiciary.....	400	483	433	434
132	417	Judiciary.....	676	913		
135	352	Corporations.....			282	282
138	620	County and Township Business.....				
140	245	Rights and Privileges.....				
141	352	Corporations.....				
154	802	Swamp Lands.....	837			
		(Judiciary.....	{ 580 } 409	889	889	
158	352	(Conference.....	{ 556 } 872			
	856	(Special.....	818			
162	794	County and Township Business.....	509	779	779	779
168	417	Judiciary.....	817			
173	794	Organization of Courts.....	511	835		
174	417	Judiciary.....	676	834	845	845
179	624	Agriculture.....		407	432	432
184	356					
187	407					
188	794	Insurance.....	819			
192	794	Corporations.....	837	874	890	890
196	535			556	556	556
202	794	Temperance.....				
208	799	Judiciary.....	885			
206	794	County and Township Business.....	818			
207	794	County and Township Business.....	823			
209	794	Judiciary.....				
225	795	Agriculture.....	886			
228	418	Education.....	440	487	513	513
231	418	Judiciary.....	512	641	641	641
238	795	Judiciary.....	886			

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261	418	Roads.....	511	598	625	626
263	794		824	844	844
284	795	Special.....	813	813	818	813
271	418	Roads.....	510			
278	795	Judiciary.....	914			
284	795	Swamp Lands.....	837			
286	795	Rights and Privileges.....	821	875	894	894
288	795	Railroads.....				
290	795	Agriculture.....	817	875	{ 891 906 }	{ 891 906 }
295	800	.....		487	614	614
308	418	Corporations.....		874	883	883
810	796	.....			
819	.....	Organization of Courts.....	980			
831	801	Education.....				
840	808	Conference.....	545	508	515	515
844	492	{ Special Conference.....	{ 692 862 }	{ 721 821 }	784	784
851	796	Organization of Courts.....	817			
864	418	Judiciary.....	511	821		
867	796	Judiciary.....	916			
868	796	.....		824	844	844
873	796	Agriculture.....	836			
877	694	Special.....	774		846	{ 846 925 848 }
883	799	.....		834	843	843
886	.....	.....		822		
888	418	Judiciary.....	509			
890	418	Judiciary.....	804	821		
897	796	Roads.....	857	911	911	911
901	754	.....		755	755	755
912	796	Judiciary.....		909	909	909
914	796	.....		834	837	837
919	797	County and Township Business.....	818			
920	.....	.....			893	893
936	797	County and Township Business.....	818			
942	801	Education.....	892			
944	791	.....		792	792	792
946	694	Fees and Salaries.....	730	721	721	721
953	419	{ Rights and Privileges..... Elections.....	{ 513 830 }	830		
955	417	Rights and Privileges.....	511	822	838	838
956	797	Corporations.....	929			
980	835	Corporations.....	880	896	905	905
984	801	Judiciary.....	816			
987	797	.....		873	881	881
989	797	County and Township Business.....	818			
971	801	Swamp Lands.....				
978	798	Roads.....	857			
976	912	Canals.....	837	912	912	912
977	796	Judiciary.....		874	889	889
982	798	Rights and Privileges.....	820			
986	558	{ Apportionment..... Special.....	{ 714 718 }	{ 569 921 }	741	741
987	798	Special.....	819	921	921	921
988	798	Judiciary.....				
998	419	Agriculture.....	440	487		
996	419	Judiciary.....	804			
997	419	Judiciary.....	596	824		
998	419	Judiciary.....	511	824		
506	802	Judiciary.....				
509	798	Judiciary.....	856			
527	896	.....		897		897
529	798	Judiciary.....	816			
530	798	.....			
532	799	Education.....	892			
540	798	Roads.....	857			
549	798	.....		875	882	882
560	542	Judiciary.....	757	562	883	883
565	798	.....			
568	799	Finance.....		822	926	
578	539		539	539	539
583	799	Finance.....	814	836	846	846
585	799		914	915	915

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589	803			878	882	882
591	799	Judiciary.....	916			
592	418	Finance.....	572	572	707	707
605	801	Organisation of Courts.....	884			
608	798	County and Township Business.....	814	878	882	882
610	639	Corporations.....	674	677	678	678
620	780	Education.....	835	855	861	861
621	799	County and Township Business.....	818		890	890
623	778			778	778	778
625	800	Corporations.....	929			
630	800	County and Township Business.....	819	887	906	906
		Finance.....	580			
637	478	Special.....	563	586	570	570
		Conference.....	622			
640	557	Finance.....	692	624	778	778
		Special.....	892			883
642	793			823	838	839
647					881	881
656	783			788	788	788
658	801					
660	671			671	671	671
661	666			667	667	667
662	667			668	668	668
663	669			670	670	670
664	668			669	669	669
665	672			672	672	672
666	673			674	674	674
667	672			673	673	673
668	802	Judiciary.....	815			
671	780			781	781	781
672	755			755	755	755
675	800	Judiciary.....	816			
676	800	Insurance.....				
683	800	Printing.....	818	909	910	910
686	900	County and Township Business.....	819			
687	774	Claims.....	840	840	845	845
689	800					
693	756	Judiciary.....		756	756	756
699		Special.....	929			

